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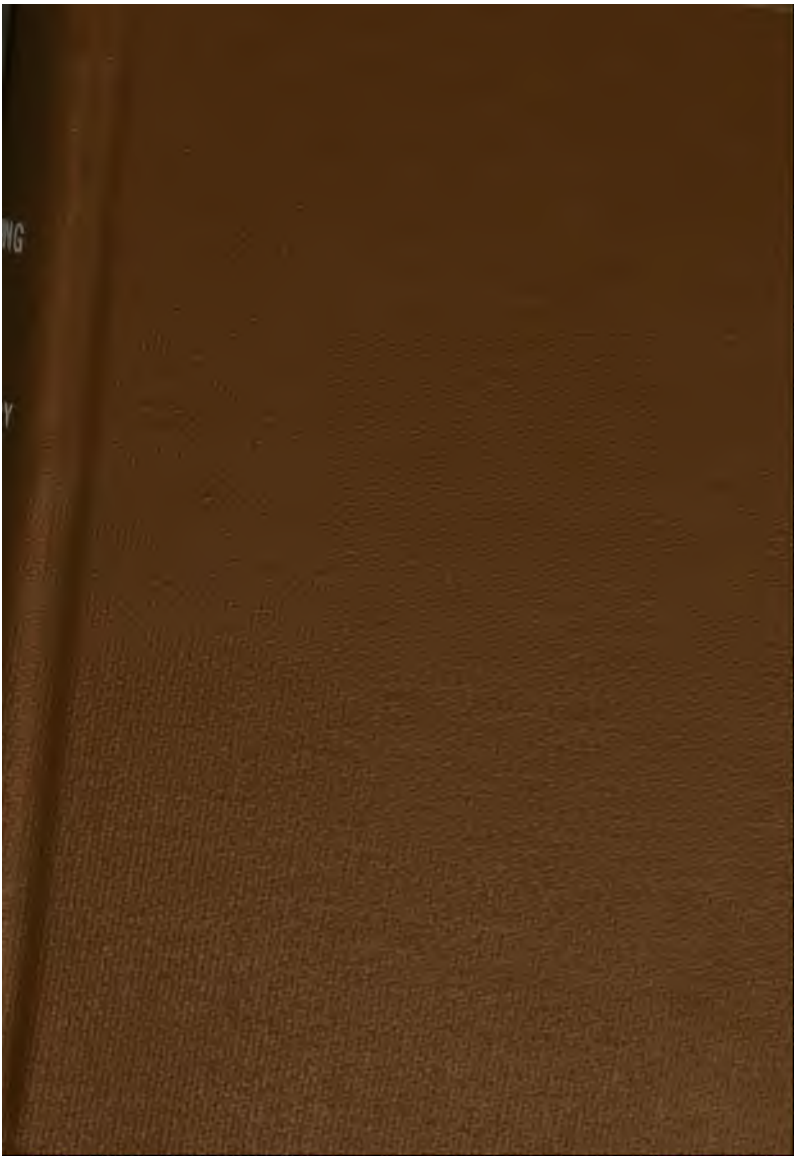

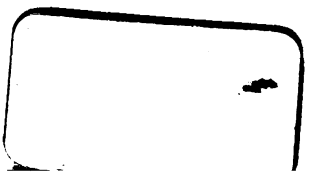

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PUBLIC LAND AND MINING LAWS

OF

ALASKA, THE NORTHWEST TERRITORY,

AND THE

PROVINCE OF BRITISH COLUMBIA.

THIS WORK CONTAINS A CAREFUL COMPILATION OF ALL THE MINING LAWS, AND ALL THE PUBLIC LAND LAWS NOW IN FORCE;

OF

ALASKA, OF THE NORTHWEST TERRITORY, AND OF THE PROVINCE OF BRITISH COLUMBIA. THE UNITED STATES MINING LAWS AND REGULATIONS ARE ALSO INSERTED IN FULL.

Complete in One Volume.

COMPILED BY
GILBERT WYMAN,
OF THE CALIFORNIA BAR.

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CALIFORNIA.
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NOTICE.

Changes and amendments hereafter made in the public land or mining laws of Alaska, British Columbia, or Northwest Territory, will be published in pamphlet form, as soon as enacted, and can be procured of the publisher, G. WYMAN,

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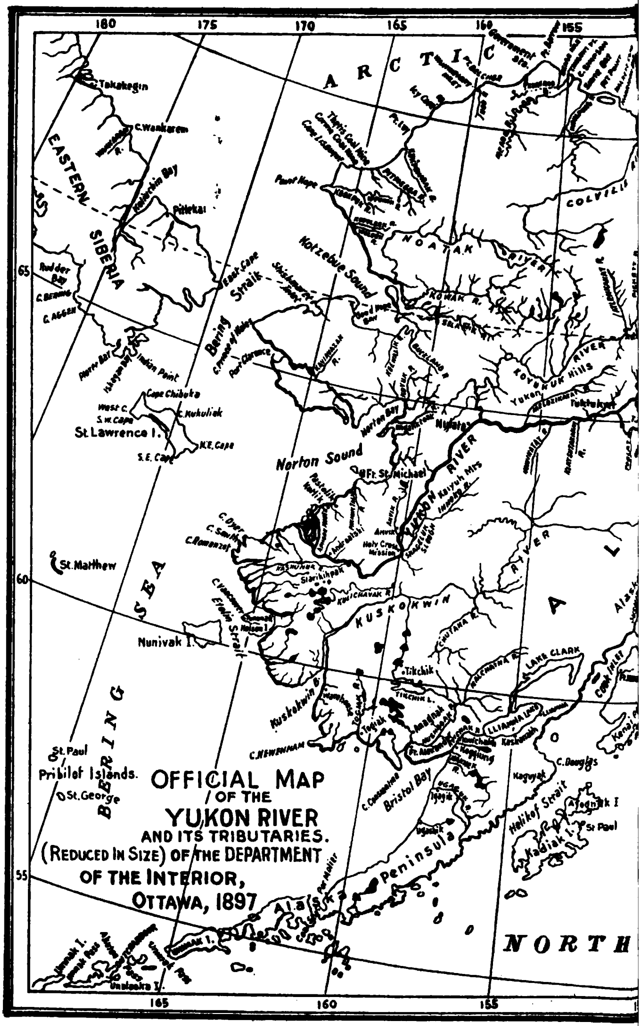

OFFICIAL MAP
OF THE
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AND ITS TRIBUTARIES.
(REDUCED IN SIZE) OF THE DEPARTMENT
OF THE INTERIOR,
OTTAWA, 1897
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Pitlekai
Rudder Bay
C. BERING
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Kotzebue Sound
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KOWAK R.
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Port Clarence
Indian Point
Plover Bay
Cape Chibuka
C. Kukuliak
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BERING SEA
Etolin Strait
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KUSKOKWIN
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LAKE CLARK
Kuskokwim B.
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Bristol Bay
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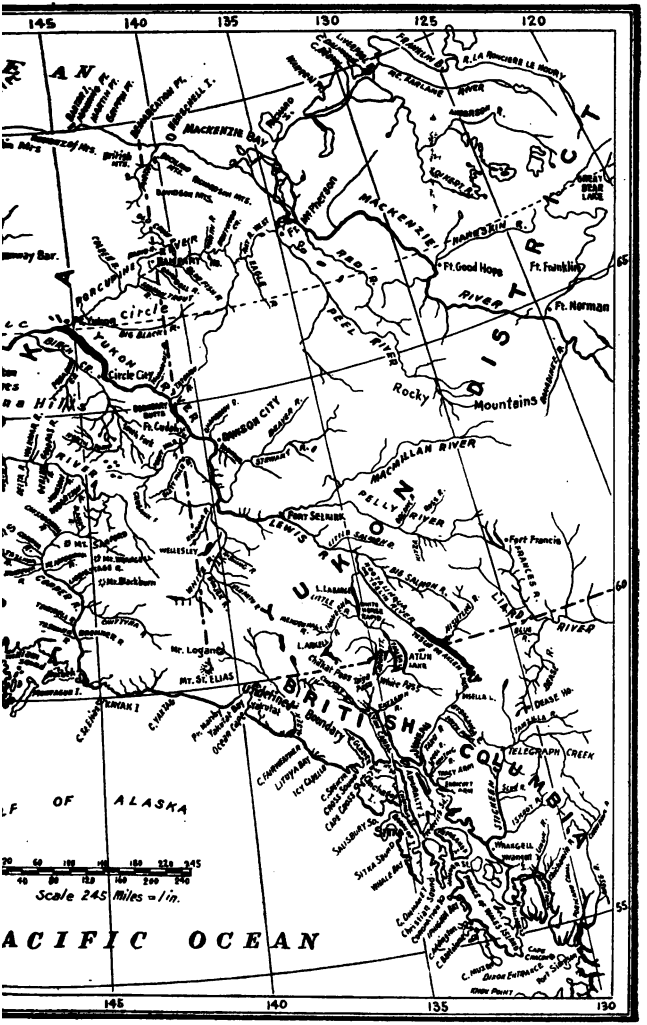
Peninsula
Alaska
Unimak I.
Unalaska I.
NORTH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MACKENZIE DISTRICT
YUKON TERRITORY
BRITISH COLUMBIA
Rocky Mountains
MACKENZIE RIVER
PELLY RIVER
LIARD RIVER
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Fort Francis
Circle City
Dawson City
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Ft. Egbert
Mt. Logan
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TELEGRAPH CREEK
Scale 245 Miles = 1 in.
PACIFIC OCEAN
OF ALASKA

PART I.

GENERAL EXPLANATION

OF THE

PUBLIC LAND AND MINING LAWS

APPLICABLE TO EACH
OF THE

THREE POLITICAL DIVISIONS OF ALASKA, OF THE NORTHWEST TERRITORY, AND THE PROVINCE OF BRITISH COLUMBIA.

BOUNDARIES OF NORTHWEST TERRITORY, PROVINCE OF BRITISH COLUMBIA, YUKON DISTRICT. DOMINION OF CANADA, CONSTITUTION AND GONERNMENT.

PART 1.

THE PUBLIC LAND AND THE MINING LAWS of the three great political divisions of Alaska, of the Northwest Territory, and of the Province of British Columbia are entirely separate and distinct from each other.

THE PUBLIC LANDS OF ALASKA are known as Government lands, and belong to the United States.

THE PUBLIC LANDS OF THE NORTHWEST TERRITORY are known as Dominion lands, and belong to the Dominion of Canada.

THE PUBLIC LANDS OF BRITISH COLUMBIA, excepting the Forty-mile Railway Belt, are known as Crown lands, and belong to that Province.

THE FORTY-MILE RAILWAY BELT in the Province of British Columbia was ceded by the Province to the Dominion of Canada as a contribution in consideration of Government aid toward the construction of the Canadian Pacific Railway.

The land within the Forty-mile Railway Belt is subject to the land laws of the Dominion of Canada specially applicable to said belt.

Gold and silver in the Railway belt have been decided by Privy Council (England) to be vested in the Province of British Columbia.

The gold discoveries extend over Alaska, Northwest Territory and the Province of British Columbia.

BOUNDARIES. The Northwest Territory extends from the international boundary between Canada and the United States, the 49th parallel of latitude on the south, to the Arctic ocean on the north. Is bounded on the east by Hudson's Bay and the Province of Manitoba; and on the west by the Province of British Columbia south of the 60th parallel of latitude and the international boundary line between Canada and Alaska north of the 60th parallel of latitude.

The area of the Northwest Territory in square miles is 1,402,800.

The capital of the Northwest Territory is Regina.

The Province of British Columbia extends for about 700 miles north and south, and nearly 500 miles east and west lying north of the 49th parallel, the international boundary line between Canada and the United States, and north to the 60th degree of north latitude. Is bounded on the east by longitude 120 degrees, and on the west by the Pacific Ocean and the international boundary line between Canada and Alaska. Vancouver and Queen Charlotte Islands are included within its bounds.

Victoria, of Vancouver Island, is the capital of British Columbia.

YUKON DISTRICT. The Yukon district comprises—speaking generally—that part of the Northwest Territory lying west of the water-shed of the Mackenzie river. Most of it is drained by the Yukon river and its tributaries. It covers a distance of about 650 miles along the river from the Coast Range of mountains.

DOMINION OF CANADA. The Dominion of Canada came into existence on July 1, 1867, under the terms of an act of the Imperial Parliament known as the British North American Act, which provides for the union of the Provinces of Canada, Nova Scotia, and New Brunswick. The Province of Canada being immediately before that time divided into Upper and Lower Canada, which divisions are now known as Ontario and Quebec respectively. The dominion was subsequently augmented by the Province of Manitoba and the Northwest Territories in 1870, by British Columbia in 1871, and by Prince Edwards Island in 1873; and now includes the whole of British North America, with the exception of New Foundland.

CONSTITUTION AND GOVERNMENT. The Government of Canada is Federal; Ottawa is the capital. The Provinces have local legislatures. By the British North American Act before referred to, the executive government and the authority of and over Canada remain in the Queen. The Governor-General for the time being carries on the Government in the name of Her Majesty, but is paid out of the Canadian revenue. The Dominion Parliament consists of an Upper House, styled the Senate, composed of 81 members. The Senators are nominated for life by the Governor-General on the advice of the Executive Council. The Commons are elected for five years.

The franchise for both the Federal Parliament and the Provincial Legislatures practically confers the voting power upon nearly all male residents of full age. At the head of each of the Provinces is a Lieutenant-Governor, appointed by the Governor-General, and paid by the Dominion. He is the Executive head of the Provincial Government, and medium of communication between the Provinces and the Federal Government. In some of the Provinces there are two branches of the Legislature in addition to the Lieutenant Governor; but in Ontario, New Brunswick, Prince Edward Island, Manitoba and British Columbia there are only single Houses. This, however, is a matter entirely within the control of the local authorities, as are also the election of members, franchise qualifications and alteration of the Electoral districts for the Provincial Legislatures. But the duration of the local assemblies is fixed at four years.

The powers of the Dominion Parliament, the Provincial Legislatures, and the contributions to the revenues of the latter from the Dominion Treasury are defined by the British North American Act, and the Acts passed under it. Legislation upon local matters is assigned as a general rule to the Provinces. There is generally a perfect system of municipal government in the Provinces constituting the dominion by which Municipal Councils elected by the people control and govern matters of purely local and municipal concern.

PART II.

ALASKA.

TREATY NEGOTIATIONS, CIVIL GOVERNMENT, MINING LAWS AND REGULATIONS.

UNITED STATES MINING LAWS AND REGULATIONS.

PART 2.

ALASKA was discovered by Vitus Bering in A. D. 1741. Was purchased in A. D. 1867 from Russia by the United States. Quasi Civil Government was established by Act of Congress July 27, 1868. Area, in square miles, 577,390; in acres, 369,529,600.

Under the Treaty of 1825 with Russia, when the boundary between Alaska and British territory was defined, the free navigation in perpetuity of all rivers flowing across Alaska was secured to British subjects. This right, so far as the Yukon and the Stickeen rivers are concerned, has been confirmed by treaty with the United States.

CIVIL GOVERNMENT. An Act of the Congress of the United States of America, May 17, 1884, providing a Civil Government for Alaska, is as follows:

ALASKA. A CIVIL AND JUDICIAL DISTRICT. May 17, 1884. *Be it enacted, &c.*, That the territory ceded to the United States by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven, and known as Alaska, shall constitute a civil and judicial district, the government of which shall be organized and administered as hereinafter provided.

SEAT OF GOVERNMENT AT SITKA. The temporary seat of government of said district is hereby established at Sitka.

GOVERNOR TO BE APPOINTED. Sec. 2. That there shall be appointed for the said district a governor, who shall reside therein during his term of office and be charged with the interests of the United States Government that may arise within said district.

POWERS AND DUTIES. To the end aforesaid he shall have authority to see that the laws enacted for said district are enforced, and to require the faithful discharge of their duties by the officials appointed to administer the same.

MAY GRANT REPRIEVES. He may also grant reprieves for offenses committed against the laws of the district or of the United States until the decision of the President thereon shall be made known.

COMMANDER-IN-CHIEF OF MILITIA. He shall be ex-officio commander-in-chief of the militia of said district, and shall have power to call out the same when necessary to the due execution of the laws and to preserve the peace, and to cause all able-bodied citizens of the United States in said district to enroll and serve as such when the public exigency demands.

OTHER DUTIES. And he shall perform generally in and over said district such acts as pertain to the office of governor of a territory, so far as the same may be made or become applicable thereto.

TO REPORT ANNUALLY. He shall make an annual report, on the first day of October in each year, to the President of the United States, of his official acts and doings, and of the condition of said district, with reference to its resources, industries, population, and the administration of the civil government thereof.

SUBJECT TO REVIEW BY PRESIDENT. And the President of the United States shall have power to review and to confirm or annul any reprieves granted or other acts done by him.

DISTRICT COURT: JURISDICTION. Sec. 3. That there shall be, and hereby is, established a district court for said district, with the civil and criminal jurisdiction of district courts of the United States, and the civil and criminal jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts, and such other jurisdiction, not inconsistent with this act, as may be established by law.

JUDGE AND TERMS OF COURT. And a district judge shall be appointed for said district, who shall during his term of office reside therein and hold at least two terms of said court therein in each year, one at Sitka, beginning on the first Monday in May, and the other at Wrangel, beginning on the first Monday in November.

SPECIAL SESSIONS. He is also authorized and directed to hold such special sessions as may be necessary for the dispatch of the business of said court, at such times and places in said district as he may deem expedient, and may adjourn such special session to any other time previous to a regular session.

EXPENSES OF COURT. He shall have authority to employ interpreters, and to make allowances for the necessary expenses of his court.

CLERK, DISTRICT ATTORNEY, AND MARSHAL. Sec. 4. That a clerk shall be appointed for said court, who shall be ex-officio secretary and treasurer of said district, a district attorney, and a marshal, all of whom shall during their terms of office reside therein.

CLERK'S DUTIES. The clerk shall record and preserve copies of all the laws, proceedings, and official acts applicable to said district.

ACCOUNTS. He shall also receive all moneys collected from fines, forfeitures, or in any other manner except from violations of the custom laws, and shall apply the same to the incidental expenses of the said district court and the allowances thereof, as directed by the judge of said court, and shall account for the same in detail, and for any balances on account thereof, quarterly, to and under the direction of the Secretary of the Treasury.

TO BE RECORDER OF DEEDS, &c. He shall be ex officio recorder of deeds and mortgages and certificates of location of mining claims and other contracts relating to real estate and register of wills for said district, and shall establish secure offices in the towns of Sitka and Wrangel, in said district, for the safekeeping of all his official records, and of records concerning the reformation and establishment of the present status of titles to lands, as hereinafter directed:

SEPARATE RECORDING OFFICES MAY BE ESTABLISHED. *Provided,* That the district court hereby created may direct, if it shall deem it expedient, the establishment of separate offices at the settlements of Wrangel, Oonalashka, and Juneau City, respectively, for the recording of such instruments as may pertain to the several natural divisions of said district most convenient to said settlements, the limits of which shall, in the event of such direction, be defined by said court; and said offices shall be in charge of the commissioners respectively as hereinafter provided.

COMMISSIONERS, 4, TO BE APPOINTED. Sec. 5. That there shall be appointed by the President four commissioners in and for the said district who shall have the juris-

diction and powers of commissioners of the United States circuit courts in any part of said district, but who shall reside, one at Sitka, one at Wrangel, one at Oonalashka, and one at Juneau City.

TO HAVE POWERS OF OREGON JUSTICES OF PEACE. Such commissioners shall exercise all the duties and powers, civil and criminal, now conferred on justices of the peace under the general laws of the State of Oregon, so far as the same may be applicable in said district, and may not be in conflict with this act or the laws of the United States.

AND PROBATE JURISDICTION, SEAL, &c. They shall also have jurisdiction, subject to the supervision of the district judge, in all testamentary and probate matters, and for this purpose their courts shall be opened at stated terms and be courts of record, and be provided with a seal for the authentication of their official acts.

MAY GRANT WRITS OF HABEAS CORPUS; PROCEEDINGS. They shall also have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before the said district judge for said district; and like proceedings shall be had thereon as if the same had been granted by said judge under the general laws of the United States in such cases.

TO HAVE POWERS OF NOTARY PUBLIC. Said commissioners shall also have the powers of notaries public, and shall keep a record of all deeds and other instruments of writing acknowledged before them and relating to the title to or transfer of property within said district, which record shall be subject to public inspection.

ACCOUNTS. Said commissioners shall also keep a record of all fines and forfeitures received by them, and shall pay over the same quarterly to the clerk of said district court.

GOVERNOR TO INVESTIGATE OPERATIONS OF ALASKA SEAL AND FUR CO. The governor appointed under the provisions of this act shall, from time to time, inquire into the operations of the Alaska Seal and Fur Company, and shall annually report to Congress the result of such inquiries and any and all violations by said company of the agreement existing between the United States and said company.

MARSHAL'S POWERS. Sec. 6. That the marshal for said district shall have the general authority and powers of the United States marshals of the States and Territories.

TO EXECUTE PROCESS, &c. He shall be the executive officer of said court, and charged with the execution of all process of said court and with the transportation and custody of prisoners, and he shall be ex officio keeper of the jail or penitentiary of said district.

TO APPOINT 4 DEPUTIES; LOCATION AND DUTIES. R. S., Sec. 788. He shall appoint four deputies, who shall reside severally at the towns of Sitka, Wrangel, Oonalashka, and Juneau City, and they shall respectively be ex officio constables and executive officers of the commissioners' courts herein provided, and shall have the powers and discharge the duties of United States deputy marshals, and those of constables under the laws of the State of Oregon now in force.

LAWS OF OREGON ADOPTED. Sec. 7. That the general laws of the State of Oregon now in force are hereby declared to be the law in said district, so far as the same may be applicable and not in conflict with the provisions of this act or the laws of the United States.

IMPRISONMENT. And the sentence of imprisonment in any criminal case shall be carried out by confinement in the jail or penitentiary hereinafter provided for.

DISTRICT COURT, EXCLUSIVE JURISDICTION, WHAT. But the said district court shall have exclusive jurisdiction in all cases in equity or those involving a question of title to land, or mining rights, or the constitutionality of a law, and in all criminal offenses which are capital.

CIVIL CASES. In all civil cases, at common law, any issue of fact shall be determined by a jury, at the instance of either party.

APPEAL FROM COMMISSIONERS, WHEN TO LIE. And an appeal shall lie in any case, civil or criminal, from the judgment of said commissioners to the said district court where the amount involved in any civil case is two hundred dollars or more, and in any criminal case where a fine of more than one hundred dollars or imprisonment is imposed, upon the filing of a sufficient appeal bond by the party appealing, to be approved by the court or commissioner.

WRITS OF ERROR IN CRIMINAL CASES FROM CIRCUIT COURT OF OREGON. Writs of error in criminal cases shall issue to the said district court from the United States Circuit Court for the district of Oregon in the cases provided in chapter one hundred and seventy-six (2) of the laws of eighteen hundred and seventy-nine; and the jurisdiction thereby conferred upon circuit courts is hereby given to the circuit court of Oregon.

FINAL JUDGMENT REVIEWED BY SUPREME COURT U. S. And the final judgments or decrees of said circuit and district court may be reviewed by the Supreme Court of the United States as in other cases (3).

LAND DISTRICT, WITH OFFICE AT SITKA. Sec. 8. That the said district of Alaska is hereby created a land district, and a United States land office for said district is hereby located at Sitka.

REGISTER AND SURVEYOR-GENERAL. The commissioner provided for by this act to reside at Sitka shall be ex officio register of said land office, and the clerk provided for by this act shall be ex officio receiver of public moneys, and the marshal provided for by this act shall be ex officio surveyor-general of said district.

MINING LAWS TO APPLY. And the laws of the United States relating to mining claims, and the rights incident thereto, shall, from and after the passage of this act, be in full force and effect in said district, under the administration thereof herein provided for, subject to such regulations as may be made by the Secretary of the Interior, approved by the President.

PERSONS IN POSSESSION OF LANDS NOT TO BE DISTURBED, &c. *Provided,* That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.

MINING LOCATORS MAY PERFECT CLAIMS. *And Provided further,* That parties who have located mines or mineral privileges therein under the laws of the United States applicable to the public domain, or who have occupied and im-

proved or exercised acts of ownership over such claims, shall not be disturbed therein, but shall be allowed to perfect their title to such claims by payment as aforesaid.

MISSIONARY STATIONS CONFIRMED. *And provided also,* That the land not exceeding six hundred and forty acres at any station now occupied as missionary stations among the Indian tribes in said section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which said missionary stations respectively belong until action by Congress.

GENERAL LAND LAWS NOT TO APPLY. But nothing contained in this act shall be construed to put in force in said district the general land laws of the United States.

OFFICERS—THEIR APPOINTMENTS. Sec. 9. That the governor, attorney, judge, marshal, clerk, and commissioners provided for in this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years, and until their successors are appointed and qualified.

FEES. They shall severally receive the fees of office established by law for the several offices the duties of which have been hereby conferred upon them, as the same are determined and allowed in respect of similar offices under the laws of the United States, which fees shall be reported to the Attorney General and paid into the Treasury of the United States.

SALARIES. They shall receive respectively the following annual salaries:

The governor, the sum of three thousand dollars; the attorney, the sum of two thousand five hundred dollars; the marshal, the sum of two thousand five hundred dollars; the judge, the sum of three thousand dollars; and the clerk, the sum of two thousand five hundred dollars, payable to them quarterly from the Treasury of the United States.

TRAVELING EXPENSES. The district judge, marshal, and District Attorney shall be paid their actual, necessary expenses when traveling in the discharge of their official duties.

ACCOUNTS. A detailed account shall be rendered of such

expenses under oath and as to the marshal and district attorney such account shall be approved by the judge, and as to his expenses by the Attorney-General.

FEES OF COMMISSIONERS. The commissioners shall receive the usual fees of United States commissioners and of justices of the peace for Oregon, and such fees for recording instruments as are allowed by the laws of Oregon for similar services, and in addition a salary of one thousand dollars each.

SALARY OF DEPUTY MARSHALS. The deputy marshals, in addition to the usual fees of constables in Oregon, shall receive each a salary of seven hundred and fifty dollars, which salaries shall also be payable quarterly out of the Treasury of the United States.

OATH OF OFFICE. NO LEGISLATURE OR DELEGATE TO CONGRESS. Each of said officials shall, before entering on the duties of his office, take and subscribe an oath that he will faithfully execute the same, which said oath may be taken before the judge of said district or any United States district or circuit judge. That all officers appointed for said district, before entering upon the duties of their offices, shall take the oaths required by law and the laws of the United States, not locally inapplicable to said district and not inconsistent with the provisions of this act are hereby extended thereto; but there shall be no legislative assembly in said district, nor shall any Delegate be sent to Congress therefrom.

BOND OF CLERK. And the said clerk shall execute a bond, with sufficient sureties, in the penalty of ten thousand dollars, for the faithful performance of his duties, and file the same with the Secretary of the Treasury before entering on the duties of his office.

OF COMMISSIONERS. And the commissioners shall each execute a bond, with sufficient sureties, in the penalty of three thousand dollars, for the faithful performance of their duties, and file the same with the clerk before entering on the duties of their office.

PUBLIC BUILDINGS. Sec. 10. That any of the public buildings in said district not required for the customs service or military purposes shall be used for court rooms and offices of the civil government; and the Secretary of the Treasury is hereby directed to instruct and authorize the custodian of said

buildings forthwith to make such repairs to the jail in the town of Sitka, in said district, as will render it suitable for a jail and penitentiary for the purposes of the civil government hereby provided, and to surrender to the marshal the custody of said jail and the other public buildings, or such parts of said buildings as may be selected for court-rooms, offices, and officials.

LAWS TO BE COMPILED BY ATTORNEY-GENERAL PRINTED AND DISTRIBUTED. Sec. 11. That the Attorney-General is directed forthwith to compile and cause to be printed, in the English language, in pamphlet form, so much of the general laws of the United States as is applicable to the duties of the governor, attorney, judge, clerk, marshals, and commissioners appointed for said district, and shall furnish for the use of the officers of said Territory so many copies as may be needed of the laws of Oregon applicable to said district.

COMMISSIONERS TO EXAMINE AND REPORT ON CONDITION OF INDIANS, LANDS, &c. Sec. 12. That the Secretary of the Interior shall select two of the officers to be appointed under this act, who, together with the governor, shall constitute a commission to examine into and report upon the condition of the Indians residing in said Territory, what lands, if any, should be reserved for their use, what provision shall be made for their education, what rights by occupation of settlers should be recognized, and all other facts that may be necessary to enable Congress to determine what limitations or conditions should be imposed when the land laws of the United States shall be extended to said district and to defray the expenses of said commission the sum of two thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

EDUCATION OF CHILDREN. Sec. 13. That the Secretary of the Interior shall make needful and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same, and the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for this purpose.

EXISTING LAWS FOR ALASKA TO REMAIN IN

FORCE EXCEPT, &c. Sec. 14. That the provisions of chapter three, title twenty-three, of the Revised Statutes of the United States relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided.

PROHIBITION AS TO INTOXICATING LIQUORS. And the importation, manufacture, and sale of intoxicating liquors in said district except for medicinal, mechanical and scientific purposes is hereby prohibited under the penalties which are provided in section nineteen hundred and fifty-five of the Revised Statutes for the wrongful importation of distilled spirits.

PRESIDENT TO MAKE NECESSARY REGULATIONS, &c. And the President of the United States shall make such regulations as are necessary to carry out the provisions of this section.

(May 17, 1884.)

MINING LAWS OF ALASKA. Section 8 of said Act of May 17, 1884, as above given, provides "That the laws of the United States relating to mining claims and the rights incident thereto, shall, from and after the passage of said act, be in full force and effect in said district of Alaska, subject to such regulations as may be made by the Secretary of the Interior, approved by the President."

MINING LAWS OF UNITED STATES.

Title XXXII, Chapter 6, Revised Stats. U. S. with Amendments, Land Office Instructions, and Forms.

MINERAL LANDS RESERVED. Section 2318. In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

LANDS OPEN TO PURCHASE. Sec. 2319. 4 July, 1866, 10 MAY, 1872. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation

and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

LENGTH OF CLAIMS. Sec. 2320. 10 May, 1872. Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs regulations, and laws in force at the date of their location. A mining claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end lines of each claim shall be parallel to each other.

PROOF OF CITIZENSHIP. Sec. 2321. Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof by the filing of a certified copy of their charter or certificate of incorporation.

LOCATORS' RIGHTS. Sec. 2322. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States,

and with State, Territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of the locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

TUNNEL RIGHTS. Sec. 2323. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

MINERS' REGULATIONS. Sec. 2324. See amendments of Feb. 11, 1875, and July 18, 1894, Post. The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that

its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or paramount monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to re-location in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

PATENTS, HOW OBTAINED. Sec. 2325. 10 May, 1873. See Amendments of April 26, 1882, post. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land office an application for a patent, under oath, showing such

compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land office, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor-general that five hundred dollars worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

ADVERSE CLAIM. Sec. 2326. 10 May, 1872. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries and extent of such adverse

claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may without giving further notice, file a certified copy of the judgment-roll with the register of the land office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever.

COSTS. That if, in any action brought pursuant to section twenty-three hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a patent for the ground in controversy until he shall have perfected his title. Approved March 3, 1881 (21 Stat., 505).

VERIFIED BY OATH, ETC. That the adverse claim required by section twenty-three hundred and twenty-six of the Revised Statutes may be verified by the oath of any duly authorized agent or attorney-in-fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing, or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or the State or Territory where the adverse claimant may then be, or before any notary public of such State or Territory.

PROOF OF CITIZENSHIP. Sec. 2. That applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any State or Territory. Approved April 26, 1882 (22 Stat., 49).

DESCRIPTION OF VEIN-CLAIMS. Sec. 2327. The description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands, the surveyor-general, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

EXISTING RIGHTS. Sec. 2328. Applications for patents for mining-claims under former laws now pending may be prosecuted to a final decision in the General Land Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining-claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

PLACER-CLAIMS SUBJECT TO ENTRY AND PATENT, HOW. Sec. 2329. 9 July, 1870. Claims usually called "placers," including all forms of deposit, excepting veins of

quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

SUBDIVISIONS OF TEN-ACRE TRACTS; MAXIMUM OF PLACER LOCATIONS. Sec. 2330. Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons or association of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer-claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

CONFORMITY OF PLACER-CLAIMS TO SURVEYS; LIMITATION OF CLAIMS. Sec. 2331. 10 May, 1872. Where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

WHAT EVIDENCE, ETC., TO ESTABLISH RIGHT TO A PATENT. Sec. 2332. 9 July, 1870. Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the

statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent.

PROCEEDINGS FOR PATENT. PRICE. Sec. 2333. 10 May, 1872. Where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent, for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode-claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a whole vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the boundaries of a placer-claim, an application for a patent for such placer-claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode-claim; but where the existence of a vein or lode in a placer-claim is not known, a patent for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

SURVEYORS OF MINING CLAIMS, ETC. Sec. 2334. The surveyor-general of the United States may appoint in each land-district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode-claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the costs of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and

they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land-district where mines are situated for the publication of mining notices in such district and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land-office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land Office.

VERIFICATION OF AFFIDAVITS, ETC. Sec. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of the land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

WHERE VEINS INTERSECT, ETC. Sec. 2336. Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purpose of convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

PATENTS FOR NON-MINERAL LAND, ETC. Sec. 2337.

Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

WHAT CONDITIONS OF SALE MAY BE MADE BY LOCAL LEGISLATURE. Sec. 2338. 26 July, 1866. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

VESTED RIGHTS TO USE OF WATER FOR MINING, &C.; RIGHT OF WAY FOR CANALS. Sec. 2339. 26 July, 1866. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

PATENTS, PRE-EMPTIONS, AND HOMESTEADS SUBJECT TO VESTED AND ACCRUED WATER-RIGHTS. Sec. 2340. 9 July, 1870. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water-rights or rights to ditches and reservoirs used in connection with such water-rights, as may have been acquired under or recognized by the preceding section.

MINERAL LANDS IN WHICH NO VALUABLE MINES ARE DISCOVERED, OPEN TO HOMESTEADS. Sec. 2341. 26 July, 1866. Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter five of this Title, relating to "Homesteads."

MINERAL LANDS, HOW SET APART AS AGRICULTURAL LANDS. Sec. 2341. 26 July, 1866. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

ADDITIONAL LAND DISTRICTS AND OFFICERS, POWER OF THE PRESIDENT TO PROVIDE. Sec. 2343. 26 July, 1866. The President is authorized to establish additional land-districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter.

PROVISIONS OF THIS CHAPTER NOT TO AFFECT CERTAIN RIGHTS. Sec. 2344. 10 May, 1872, c. 152, s. 16, v. 17, p. 96; 9 July, 1870. Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws, nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-five, eighteen hundred and sixty-six.

MINERAL LANDS IN CERTAIN STATES EXCEPTED. Sec. 2345. 18 Feb., 1873. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the tenth day of May, eighteen hundred and seventy-two. And any bona fide entries of such lands within the States named since the tenth of May, eighteen hundred and seventy-two, may be patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as other public lands.

GRANT OF LANDS TO STATES OR CORPORATIONS NOT TO INCLUDE MINERAL LANDS. Sec. 2346. 30 Jan. 1865. No act passed at the first session of the thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.

REPEAL PROVISIONS.

TITLE LXXIV.

WHAT REVISED STATUTES EMBRACE. Sec. 5595. The foregoing seventy-three titles embrace the statutes of the United States general and permanent in their nature, in force on the 1st day of December, one thousand eight hundred and seventy-three, as revised and consolidated by commissioners appointed under an act of Congress, and the same shall be designated and cited as The Revised Statutes of the United States.

REPEAL OF ACTS EMBRACED IN REVISION. Sec. 5596. All acts of Congress passed prior to said first day of December, one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision,

are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision, having been repealed or superseded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into such revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local or temporary character, shall not repeal, or in any way affect, any appropriation, or any provision of a private, local, or temporary character, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day no part of which are embraced in said revision, shall not be affected or changed by its enactment.

ACCRUED RIGHTS RESERVED. Sec. 5597. The repeal of the several acts embraced in said revision, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall said repeal, in any manner affect the right to any office, or change the term or tenure thereof.

PROSECUTIONS AND PUNISHMENTS. Sec. 5598. All offenses committed, and all penalties or forfeitures incurred under any statute embraced in said revision prior to said repeal may be prosecuted and punished in the same manner and with the same effect, as if said repeal had not been made.

ACTS OF LIMITATION. Sec. 5599. All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in said revision and covered by said repeal, shall not be affected thereby, but all suits, proceedings or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

ARRANGEMENT AND CLASSIFICATION OF SECTIONS. Sec. 5600. The arrangement and classification of the several sections of the revision have been made for the purpose

of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the Title, under which any particular section is placed.

ACTS PASSED SINCE DEC. 1, 1873, NOT AFFECTED. Sec. 5601. The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December, one thousand eight hundred and seventy-three, and all acts passed since that date are to have full effect as if passed after the enactment of this revision, and so far as such acts vary from, or conflict with any provision contained in said revision, they are to have effect as subsequent statutes, and as repealing any portion of the revision inconsistent therewith.

Approved, June 22, 1874.

AN ACT to amend the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the fifth section of the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two, which requires expenditures of labor and improvements on claims located prior to the passage of said act, are hereby so amended that the time for the first annual expenditure on claims located prior to the passage of said act shall be extended to the first day of January, eighteen hundred and seventy-five.

Approved June 6, 1874 (18 Stat., 61).

AN ACT to amend section two thousand three hundred and twenty-four of the Revised Statutes, relating to the development of the mining resources of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two thousand three hundred and twenty-four of the Revised Statutes be, and the same is hereby amended so that where a person or company has or may run a tunnel for

the purpose of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act, and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act.

Approved February 11, 1875 (18 Stat., 315).

AN ACT to exclude the States of Missouri and Kansas from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May tenth, eighteen hundred and seventy-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral be, and they are hereby, excluded from the operation of the act entitled "An act to promote the development of the mining resources of the United States," approved May tenth, eighteen hundred and seventy-two, and all lands in said states shall be subject to disposal as agricultural lands.

Approved May 5. 1876 (19 Stat., 52).

AN ACT authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all citizens of the United States and other persons, bona fide residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho. or Montana, and all other mineral districts of the United States, shall be and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, ex-

cept for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes; *Provided*, The provisions of this act shall not extend to railroad corporations.

Sec. 2. That it shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

Sec. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.

Approved June 3, 1878 (20 Stat., 88).

AN ACT to amend sections twenty-three hundred and twenty-four and twenty-three hundred and twenty-five of the Revised Statutes of the United States concerning mineral lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-three hundred and twenty-five of the Revised Statutes of the United States be amended by adding thereto the following words: "*Provided*, That where the claimant for a patent is not a resident of or within the land-district whirein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established

by said affidavits: *And provided,* That this section shall apply to all applications now pending for patents to mineral lands."

Sec. 2. That section twenty-three hundred and twenty-four of the Revised Statutes of the United States be amended by adding the following words: "*Provided,* That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the tenth day of May, anno Domini eighteen hundred and seventy-two."

Approved January 22, 1880 (21 Stat., 61).

AN ACT to exclude the public lands in Alabama from the operation of the laws relating to mineral lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands: *Provided, however,* That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale: *And provided further,* That any bona fide entry under the provisions of the homestead law of lands within said State heretofore made may be patented without reference to an act approved May tenth, eighteen hundred and seventy-two, entitled, "An act to promote the development of the mining resources of the United States," in cases where the persons making application for such patents have in all other respects complied with the homestead law relating thereto.

Approved, March 3, 1883 (22 Stat., 487).

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * *

No person who shall, after the passage of this act, enter upon any of the public lands with a view to occupation, entry,

or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry, or settlement is validated by this act: *Provided,* That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act, west of the one hundredth meridian it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States. * * * * * * *

Approved August 30, 1890 (26 Stat., 371).

AN ACT to repeal timber-culture laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * * * * * *

Sec. 16. That town site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein, and the surface ground appertaining thereto: *Provided,* That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

Sec. 17. That reservoir sites located or selected and to be located and selected under the provisions of "An act making

appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs, and that the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not include lands entered or sought to be entered under mineral land laws.

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Approved March 3, 1891 (26 Stat., 1095).
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REGULATIONS AND INSTRUCTIONS OF GENERAL LAND OFFICE UNDER FOREGOING STATUTES.

MINERAL LANDS OPEN TO EXPLORATION, OCCUPATION, AND PURCHASE. 1. It will be perceived that by the foregoing provisions of law the mineral lands in the public domain, surveyed or unsurveyed, are open to exploration, occupation, and purchase by all citizens of the United States, and all those who have declared their intentions to become such.

STATUS OF LODE-CLAIMS LOCATED PRIOR TO MAY 10, 1872.

2. By an examination of the several sections of the Revised Statutes it will be seen that the *status* of lode-claims located *previous* to the 10th of May, 1872, is not changed with regard to their *extent along the lode or width of surface.*

MINING RIGHTS ENLARGED. 3. Mining rights acquired under such previous locations are, however, enlarged by such Revised Statutes in the following respect, viz.: The locators of all such previously taken veins or lodes, their heirs and assigns, so long as they comply with the laws of Congress and with State, Territorial, or local regulations not in conflict therewith, governing mining claims, are invested with the exclusive possessory right of all the surface included within the lines of their locations, and of all veins, lodes, or ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of such locations at the surface, it being expressly provided, however, that the right of possession to such outside parts of said veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward, as aforesaid, through the end lines of their locations so continued in their own direction that such planes will intersect such exterior parts of such veins, lodes, or ledges; no right being granted, however, to the claimant of such outside portion of a vein or ledge to enter upon the surface location of another claimant.

LIMIT OF POSSESSORY RIGHTS. 4. It is to be distinctly understood, however, that the law limits the possessory right to veins, lodes, or ledges, other than the one named in the original location, to such as were not adversely claimed on May 10, 1872, and that where such other vein or ledge was so adversely claimed at that date, the right of the party so adversely claiming is in no way impaired by the provisions of the Revised Statutes.

CLAIMS LOCATED PRIOR TO MAY 10, 1872. 5. In order to hold the possessory title to a mining claim located prior to May 10, 1872, and for which a patent has not been issued,

the law requires that *ten dollars* shall be expended annually in labor or improvements on each claim of *one hundred feet* on the course of the vein or lode until a patent shall have been issued therefor; but where a number of such claims are held in common upon the same vein or lode, the aggregate expenditure that would be necessary to hold all the claims, at the rate of ten dollars per hundred feet, may be made upon any one claim; a failure to comply with this requirement in any one year subjecting the claim upon which such failure occurred to relocation by other parties, the same as if no previous location thereof had ever been made, unless the claimants under the original location shall have resumed work thereon after such failure and before such relocation. The first annual expenditure upon claims of this class should have been performed subsequent to May 10, 1872, and prior to January 1, 1875. From and after January 1, 1875, the required amount must be expended *annually* until patent issues. By decision of the honorable Secretary of the Interior, dated March 4, 1879, such annual expenditures are not required subsequent to entry, the date of issuing the patent certificate being the date contemplated by statute.

DELINQUENT OWNER, NOTICE BY CO-OWNER. 6. Upon the failure of any one of several co-owners of a vein, lode, or ledge, which has not been entered, to contribute his proportion of the expenditures necessary to hold the claim or claims so held in ownership in common, the co-owners, who have performed the labor or made the improvements as required by said Revised Statutes, may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim for at least once a week for ninety days; and if upon the expiration of ninety days after such notice in writing, or upon the expiration of one hundred and eighty days after the first newspaper publication of notice, the delinquent co-owner shall have failed to contribute his proportion to meet such expenditures or improvements, his interest in the claim by law passes to his co-owners who have made the expenditures or improvements as aforesaid. Where a claimant alleges ownership of a forfeited interest under the foregoing provision, the sworn statement of the publisher as to the facts of publication, giving

dates and a printed copy of the notice published, should be furnished, and the claimant must swear that the delinquent co-owner failed to contribute his proper proportion within the period fixed by the statute.

PATENTS FOR VEINS OR LODES HERETOFORE ISSUED.

RIGHTS ENLARGED. 7. Rights under patents for veins or lodes heretofore granted under previous legislation of Congress are enlarged by the Revised Statutes, so as to invest the patentee, his heirs or assigns, with title to all veins, lodes, or ledges throughout their entire depth, the top or apex of which lies within the end and side boundary lines of his claim on the surface, as patented, extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of the claim at the surface. The right of possession to such outside parts of such veins or ledges to be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of the claims at the surface, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges; it being expressly provided, however, that all veins, lodes, or ledges, the top or apex of which lies inside such surface locations, *other* than the one named in the patent, which were *adversely claimed on the 10th of May, 1872*, are excluded from such conveyance by patent.

8. Applications for patents for mining claims pending at the date of the act of May 10, 1872, may be prosecuted to final decision in the General Land Office, and where no adverse rights are affected thereby, patents will be issued in pursuance of the provisions of the Revised Statutes.

MANNER OF LOCATING CLAIMS ON VEINS OR LODES AFTER MAY 10, 1872.

(Forms, see index.)

9. From and after the 10th of May, 1872, any person who is

a citizen of the United States, or who has declared his intention to become a citizen, may locate, record, and hold a mining claim of *fifteen hundred linear feet* along the course of any mineral vein or lode subject to location; or an association of persons, severally qualified as above, may make joint location of such claim of *fifteen hundred feet*, but in no event can a location of a vein or lode made subsequent to May 10, 1872, exceed fifteen hundred feet along the course thereof, whatever may be the number of persons composing the association.

LODE CLAIM CANNOT EXCEED. 10. With regard to the extent of surface-ground adjoining a vein or lode, and claimed for the convenient working thereof, the Revised Statutes provide that the lateral extent of locations of veins or lodes made after May 10, 1872, shall in no case exceed three hundred feet on each side of the middle of the vein at the surface, and that no such surface rights shall be limited by any mining regulations to less then twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the 10th May, 1872, may render such limitation necessary; the end lines of such claims to be in all cases parallel to each other. Said lateral measurements cannot extend beyond three hundred feet on *either* side of the middle of the vein at the surface, or such distance as is allowed by local laws. For example: 400 feet cannot be taken on one side and 200 feet on the other. If, however, 300 feet on each side are allowed, and by reason of prior claims but 100 feet can be taken on one side, the locator will not be restricted to less than 300 feet on the other side; and when the locator does not determine by exploration *where* the middle of the vein at the surface is, his discovery shaft must be assumed to mark such point.

EXTENT FIXED BY LOCAL REGULATIONS. 11. By the foregoing it will be perceived that no lode-claim located after the 10th May, 1872, can exceed a parallelogram fifteen hundred feet in length by six hundred feet in width, but whether surface-ground of that width can be taken, depends upon the local regulations or State or Territorial laws in force in the several mining districts; and that no such local regulations or State or Territorial laws shall limit a vein or lode claim to less than fifteen hundred feet along the course thereof, whether the location is made by one or more persons, nor can surface

rights be limited to less than fifty feet in width, unless adverse claims existing on the 10th day of May, 1872, render such lateral limitation necessary.

MINERS MAY MAKE RULES. 12. It is provided by the Revised Statutes that the miners of each district may make rules and regulations not in conflict with the laws of the United States, or of the State or Territory in which such districts are respectively situated, governing the location, manner of recording, and amount of work necessary to hold possession of a claim. They likewise require that the location shall be so distinctly marked on the ground that its boundaries may be readily traced. This is a very important matter, and locators cannot exercise too much care in defining their locations at the outset, inasmuch as the law requires that all records of mining locations made subsequent to May 10, 1872, shall contain the name or names of the locators, the date of the location, and such a *description of the claim or claims* located, by reference to some natural object or permanent monument, as will identify the claim. (Form 2, see index.)

WHEN LOCATION CAN BE RECORDED. 13. The statutes provide that no lode-claim shall be recorded until after the discovery of a vein or lode within the limits of the claim located, the object of which provision is evidently to prevent the appropriation of presumed mineral ground for speculative purposes to the exclusion of *bona fide* prospectors, before sufficient work has been done to determine whether a vein or lode really exists.

LOCATION NOTICE. 14. The claimant should, therefore, prior to locating his claim, unless the vein can be traced upon the surface, sink a shaft, or run a tunnel or drift, to a sufficient depth therein to discover and develop a mineral bearing vein, lode, or crevice; should determine, if possible, the general course of such vein in either direction from the point of discovery, by which direction he will be governed in marking the boundaries of his claim on the surface. His location notice should give the course and distance as nearly as practicable from the discovery shaft on the claim, to some permanent, well known points or objects, such, for instance, as stone monuments, blazed trees, the confluence of streams, point of intersection of well known gulches, ravines, or roads, prominent buttes, hills, etc., which may be in the immediate vicinity, and

which will serve to perpetuate and fix the locus of the claim and render it susceptible of identification from the description thereof given in the record of locations in the district, and should be duly recorded. (Form 3, see index.)

WHAT NOTICE MUST SHOW. 15. In addition to the foregoing data, the claimant should state the names of adjoining claims, or, if none adjoin, the relative positions of the nearest claims; should drive a post or erect a monument of stones at each corner of his surface ground, and at the point of discovery or discovery shaft should fix a post, stake, or board, upon which should be designated the name of the lode, the name or names of the locators, the number of feet claimed, and in which direction from the point of discovery; it being essential that the location notice filed for record, in addition to the foregoing description, should state whether the entire claim of fifteen hundred feet is taken on one side of the point of discovery, or whether it is partly upon one and partly upon the other side thereof, and in the latter case, how many feet are claimed upon each side of such discovery point.

WHEN NOTICE IS TO BE FILED. 16. Within a reasonable time, say twenty days after the location shall have been marked on the ground, or such time as is allowed by the local laws, notice thereof, accurately describing the claim in manner aforesaid, should be filed for record with the proper recorder of the district, who will thereupon issue the usual certificate of location.

AMOUNT TO BE EXPENDED TO HOLD CLAIM. 17. In order to hold the possessory right to a location made since May 10, 1872, not less than one hundred dollars' worth of labor must be performed, or improvements made thereon annually until entry shall have been made. Under the provisions of the act of Congress approved January 22, 1880, the first annual expenditure becomes due and must be performed during the calendar year succeeding that in which the location was made. Expenditure made or labor performed prior to the first day of January succeeding the date of location will not be considered as a part of, or applied upon the first annual expenditure required by law. Failure to make the expenditure or perform the labor required will subject the claim to relocation by any other party having the necessary qualifications, unless the original locator, his heirs, assigns, or legal representatives have resumed

work thereon after such failure and before such relocation. (Form 4, see index.)

HOW WORK MAY BE DONE. 18. The expenditures required upon mining claims may be made from the surface or in running a tunnel for the development of such claims, the act of February 11, 1875, providing that where a person or company has, or may, run a tunnel for the purpose of developing a lode or lodes owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same.

MAY INVALIDATE CLAIM. 19. The importance of attending to these details in the matter of location, labor, and expenditure will be the more readily perceived when it is understood that a failure to give the subject proper attention may invalidate the claim.

TUNNEL RIGHTS.

(Form 7, see index.)

RIGHT OF POSSESSION. 20. Section 2323 provides that where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins or lodes on the line of said tunnel.

EFFECT OF. 21. The effect of this is simply to give the proprietors of a mining tunnel run in good faith the possessory

right to fifteen hundred feet of any blind lodes cut, discovered, or intersected by such tunnel, which were not previously known to exist, within three thousand feet from the face or point of commencement of such tunnel, and to prohibit other parties, after the commencement of the tunnel, from prospecting for and making locations of lodes on the *line thereof* and within said distance of three thousand feet, unless such lodes appear upon the surface or were previously known to exist.

"FACE." 22. The term "face," as used in said section, is construed and held to mean the first working-face formed in the tunnel, and to signify the point at which the tunnel actually enters cover; it being from this point that the three thousand feet are to be counted, upon which prospecting is prohibited as aforesaid.

HOW TO ACQUIRE BENEFIT OF LAW. 23. To avail themselves of the benefits of this provision of law, the proprietors of a mining tunnel will be required, at the time they enter cover as aforesaid, to give proper notice of their tunnel location by erecting a substantial post, board, or monument at the face or point of commencement thereof, upon which should be posted a good and sufficient notice, giving the names of the parties or company claiming the tunnel-right; the actual or proposed course or direction of the tunnel; the height and width thereof, and the course and distance from such face or point of commencement to some permanent well-known objects in the vicinity by which to fix and determine the *locus* in manner heretofore set forth applicable to locations of veins or lodes, and at the time of posting such notice they shall, in order that miners or prospectors may be enabled to determine whether or not they are within the lines of the tunnel, establish the boundary lines thereof, by stakes or monuments placed along such lines at proper intervals, to the terminus of the three thousand feet from the face or point of commencement of the tunnel, and the lines so marked will define and govern as to the specific boundaries within which prospecting for lodes not previously known to exist is prohibited while work on the tunnel is being prosecuted with reasonable diligence.

NOTICE OF LOCATION TO BE RECORDED. 24. At the time of posting notice and marking out the lines of the tunnel as aforesaid, a full and correct copy of such notice of

location defining the tunnel claim must be filed for record with the mining recorder of the district, to which notice must be attached the sworn statement or declaration of the owners, claimants, or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors in interest in prosecuting work thereon; the extent of the work performed, and that it is bona fide, their intention to prosecute work on the tunnel so located and described with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both, as the case may be. This notice of location must be duly recorded, and with the said sworn statement attached, kept on the recorder's files for future reference.

25. By a compliance with the foregoing much needless difficulty will be avoided, and the way for the adjustment of legal rights acquired in virtue of said section 2323 will be made much more easy and certain.

FORFEITURE. 26. This office will take particular care that no improper advantage is taken of this provision of law by parties making or professing to make tunnel locations, ostensibly for the purpose named in the statute, but really for the purpose of monopolizing the lands lying in front of their tunnels to the detriment of the mining interests and to the exclusion of bona fide prospectors or miners, but will hold such tunnel claimants to a strict compliance with the terms of the statutes; and a reasonable diligence on their part in prosecuting the work is one of the essential conditions of their implied contract. Negligence or want of due diligence will be construed as working a forfeiture of their right to all undiscovered veins on the line of such tunnel.

MANNER OF PROCEEDING TO OBTAIN GOVERNMENT TITLE TO VEIN OR LODE CLAIMS

27. By section 2325 authority is given for granting titles for mines by patent from the Government to any person, association or corporation having the necessary qualifications as to citizenship and holding the right of possession to a claim in compliance with law.

SURVEY, MANNER OF SECURING. 28. The claimant is required in the first place to have a correct survey of his claim made under authority of the surveyor-general of the State or Territory in which the claim lies; such survey to show with accuracy the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground. Four plats and one copy of the original field-notes, in each case, will be prepared by the surveyor-general; one plat and the original field-notes to be retained in the office of the surveyor-general, one copy of the plat to be given the claimant for posting upon the claim, one plat and a copy of the field-notes to be given the claimant for filing with the proper register, to be finally transmitted by that officer, with other papers in the case, to this office, and one plat to be sent by the surveyor-general to the register of the proper land district to be retained on his files for future reference. As there is no resident surveyor-general for the State of Arkansas, applications for the survey of mineral claims in said State should be made to the Commissioner of this office, who, under the law, is ex officio the U. S. surveyor-general.

PLAT OF SURVEY TO BE POSTED. 29. The claimant is then required to post a copy of the plat of such survey in a conspicuous place upon the claim, together with notice of his intention to apply for a patent therefor, which notice will give the date of posting, the name of the claimant, the name of the claim, mine or lode; the mining district and county; whether the location is of record, and, if so, where the record may be found; the number of feet claimed along the vein and the presumed direction thereof; the number of feet claimed on the lode in each direction from the point of discovery, or other well defined place on the claim; the name or names of adjoining claimants on the same or other lodes; or, if none adjoin, the names of the nearest claims, etc.

COPY TO BE FILED. 30. After posting the said plat and notice upon the premises, the claimant will file with the proper register and receiver a copy of such plat and the field-notes of survey of the claim, accompanied by the affidavit of at least two credible witnesses, that such plat and notice are posted conspicuously upon the claim, giving the date and place of such posting; a copy of the *notice* so posted to be attached to, and form a part of, said affidavit.

OATH OF CLAIMANT. 31. Accompanying the field-notes so filed must be the sworn statement of the claimant that he has the possessory right to the premises therein described, in virtue of a compliance by himself (and by his grantors, if he claims by purchase) with the mining rules, regulations, and customs of the mining district, State, or Territory in which the claim lies, and with the mining laws of Congress; such sworn statement to narrate briefly, but as clearly as possible, the facts constituting such compliance, the origin of his possession, and the basis of his claim to a patent.

EVIDENCE REQUIRED. 32. This affidavit should be supported by appropriate evidence from the mining recorder's office as to his possessory right, as follows, viz.: Where he claims to be the locator, or a locator in company with others who have since conveyed their interest in the location to him, a full, true, and correct copy of such location should be furnished, as the same appears upon the mining records; such copy to be attested by the seal of the recorder, or if he has no seal, then he should make oath to the same being correct, as shown by his records. Where the applicant claims only as a purchaser for valuable consideration, a copy of the location record must be filed under seal or upon oath as aforesaid, with an abstract of title from the proper recorder, under seal or oath as aforesaid, brought down as near as practicable to date of filing the application, tracing the right of possession by a continuous chain of conveyances from the original locators to the applicant, also certifying that no conveyances affecting the title to the claim in question appear of record in his office other than those set forth in the accompanying abstract.

DESTROYED RECORDS. 33. In the event of the mining records in any case having been destroyed by fire or otherwise lost, affidavit of the fact should be made, and secondary evidence of possessory title will be received, which may consist of the affidavit of the claimant, supported by those of any other parties cognizant of the facts relative to his location, occupancy, possession, improvements, etc.; and in such case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's posssession and tend to establish his claim, should be filed.

NOTICE TO BE PUBLISHED. 34. Upon the receipt of these papers the register will, at the expense of the claimant

(who must furnish the agreement of the publisher to hold applicant for patent alone responsible for charges of publication), publish a notice of such application for the period of sixty days in a newspaper published nearest to the claim, and will post a copy of such notice in his office for the same period. When the notice is published in a *weekly* newspaper ten consecutive insertions are necessary; when in a *daily* newspaper the notice must appear in each issue for sixty-one consecutive issues, the first day of issue being excluded in estimating the period of sixty days.

35. The notices so published and posted must be as full and complete as possible, and embrace all the *data* given in the notice posted upon the claim.

36. Too much care can not be exercised in the preparation of these notices, inasmuch as upon their accuracy and completeness will depend, in a great measure, the regularity and validity of the whole proceeding.

WHEN PUBLISHED. 37. In the publication of final-proof notices the register has *no discretion* under the law to designate any other than the newspaper "nearest the land" for such purpose when such paper is a newspaper of general circulation. But he will in all cases designate the newspaper of general circulation that is published nearest the land, geographically measured. When two or more such newspapers are published in the same town, nearest the land, he may select the one which, in his honest and impartial judgment as a public officer, will best subserve the purpose of the law and the general interests of the public.

38. Newspaper charges must not exceed the rates established by the office for the publication of legal notices.

CERTIFICATE OF EXPENDITURE. 39. The claimant, either at the time of filing these papers with the register or at any time during the sixty days' publication, is required to file a certificate of the surveyor-general that not less than five hundred dollars' worth of labor has been expended or improvements made upon the claim by the applicant or his grantors; that the plat filed by the claimant is correct; that the field-notes of the survey, as filed, furnish such an accurate description of the claim as will, if incorporated into a patent, serve to fully identify the premises, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the locus thereof.

40. It will be the more convenient way to have this certificate indorsed by the surveyor-general, both upon the plat and field-notes of survey filed by the claimant as aforesaid.

AFFIDAVIT. 41. After the sixty days' period of newspaper publication has expired the claimant will furnish from the office of publication a sworn statement that the notice was published for the statutory period, giving the first and last day of such publication, and his own affidavit showing that the plat and notice aforesaid remained conspicuously posted upon the claim sought to be patented during said sixty days' publication, giving the dates.

PAYMENT. 42. Upon the filing of this affidavit the register will, if no adverse claim was filed in his office during the period of publication, permit the claimant to pay for the land according to the area given in the plat and field-notes of survey aforesaid, at the rate of five dollars for each acre and five dollars for each fractional part of an acre, the receiver issuing the usual duplicate receipt therefor. The claimant will also make a sworn statement of all charges and fees paid by him for publication and surveys, together with all fees and money paid the register and receiver of the land office; after which the whole matter will be forwarded to the Commissioner of the General Land Office and a patent issued thereon if found regular.

CERTIFICATION. 43. In sending up the papers in the case the register must not omit certifying to the fact that the notice was posted in his office for the full period of sixty days, such certificate to state distinctly when such posting was done and how long continued.

44. The consecutive series of numbers of mineral entries must be continued, whether the same are of lode or placer claims or mill sites.

SURVEYED MINERAL CLAIMS MUST BE NUMBERED, ETC. 45. The surveyor-general should designate all surveyed mineral claims by a progressive series of numbers, beginning with survey No. 37, irrespective as to whether they are situated on surveyed or unsurveyed lands, the claim to be so designated at date of issuing the order therefor, in addition to the local designation of the claim; it being required in all cases that the plat and field-notes of the survey of a claim must, in addition to the reference to permanent objects in the neigh-

borhood, describe the locus of the claim, with reference to the lines of public surveys by a line connecting a corner of the claim with the nearest public corner of the United States surveys, unless such claim be on unsurveyed lands at a distance of more than two miles from such public corner, in which latter case it should be connected with a United States mineral monument. Such connecting line must not be more than two miles in length and should be measured on the ground direct between the points, or calculated from actually surveyed traverse lines if the nature of the country should not permit direct measurement. If a regularly established survey corner is within two miles of a claim situated on unsurveyed lands, the connection should be made with such corner in preference to a connection with a United States mineral monument. The connecting line must be surveyed by the deputy mineral surveyor at the time of his making the particular survey, and be made a part thereof.

PREPARE DIAGRAM TRACING, ETC. 46. Upon the approval of the survey of a mining claim made upon surveyed lands, the surveyor-general will prepare and transmit to the local land office and to this office a diagram tracing showing the portions of legal 40-acre subdivisions made fractional by reason of the mineral survey, designating each of such portions by the proper lot number, beginning with No. 1 in each section and giving the area of each lot.

SURVEY MUST BE MADE, WHEN. 47. The survey and plat of mineral claims, required by section 2325, Revised Statutes of the United States, to be filed in the proper land office, with application for patent, must be made subsequent to the recording of the location of the mine; and when the original location is made by survey of a United States deputy surveyor such location survey can not be substituted for that required by the statute, as above indicated.

INFORMATION, HOW OBTAINED. 48. The surveyor-general should derive his information upon which to base his certificate as to the value of labor expended or improvements made from his deputy who makes the actual survey and examination upon the premises, and such deputy should specify with particularity and full detail the character and extent of such improvements.

PARTICULARS TO BE OBSERVED IN SURVEY. 49. The following particulars should be observed in the survey of every mining claim:

(1.) The exterior boundaries of the claim should be represented on the plat of survey and in the field-notes.

(2.) The intersection of the lines of the survey with the lines of conflicting prior surveys should be noted in the field-notes and represented upon the plat.

(3.) Conflicts with unsurveyed claims, where the applicant for survey does not claim the area in conflict, should be shown by actual survey.

(4.) The total area of the claim embraced by the exterior boundaries should be stated, and also the area in conflict with each intersecting survey, substantially as follows:

	Acres.
Total area of claim	10.50
Area in conflict with survey No. 302	1.56
Area in conflict with survey No. 948	2.33
Area in conflict with Mountain Maid lode mining claim unsurveyed...	1.48

It does not follow that because mining surveys are required to exhibit all conflicts with prior surveys the areas of conflict are to be excluded. The field-notes and plat are made a part of the application for patent, and care should be taken that the description does not inadvertently exclude portions intended to be retained. It is better that the application for patent should state the portions to be excluded in express terms. A survey executed as in the example given will enable the applicant for patent to exclude such conflicts as may seem desirable. For instance, the conflict with survey No. 302 and with the Mountain Maid lode claim might be excluded and that with survey No. 948 included.

RIGHTS RESTRICTED TO PUBLIC DOMAIN. 50. The rights granted to locators under section 2322, Revised Statutes, are restricted to such locations on veins, lodes, or ledges as may be "situated on the public domain." In applications for lode claims where the survey conflicts with a prior valid lode claim or entry and the ground in conflict is excluded, the applicant not only has no right to the excluded ground, but he has no right to that portion of any vein or lode the top or apex

of which lies within such excluded ground, unless his location was prior to May 10, 1872. His right to the lode claimed terminates where the lode, in its onward course or strike, intersects the exterior boundary of such excluded ground and passes within it.

51. The end line of his survey should not, therefore, be established beyond such intersection, unless it should be necessary so to do for the purpose of including ground held and claimed under a location which was made upon public land and valid at the time it was made. To include such ground (which may possibly embrace other lodes), the end line of the survey may be established within the conflicting survey, but the line must be so run as not to extend any farther into the conflicting survey than may be necessary to make such end line parallel to the other end line and at the same time embrace the ground so held and claimed. The useless practice in such cases of extending both the side lines of a survey into the conflicting survey and establishing an end line wholly within it, beyond a point necessary under the rule just stated, will be discontinued.

PLACER CLAIMS.

52. The proceedings to obtain patents for claims usually called placers, including all forms of deposit, excepting veins of quartz or other rock in place, are similar to the proceedings prescribed for obtaining patents for vein or lode claims; but where said placer claim shall be upon surveyed lands, and conforms to legal subdivisions, no further survey or plat will be required, and all placer mining claims located after May 10, 1872, shall conform as nearly as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, and no such locations shall include more than twenty acres for each individual claimant; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands. But where such claims are located previous to the public surveys, and do not conform to legal subdivisions, survey, plat, and entry thereof may be made according to the boundaries thereof, provided the location is in all respects legal.

53. The proceedings for obtaining patents for veins or lodes having already been fully given, it will not be necessary to repeat them here, it being thought that careful attention thereto

by applicants and the local officers will enable them to act understandingly in the matter and make such slight modifications in the notice, or otherwise, as may be necessary in view of the different nature of the two classes of claims, placer claims being fixed, however, at two dollars and fifty cents per acre, or fractional part of an acre.

54. By section 2330, authority is given for the subdivision of forty-acre legal subdivisions into ten-acre lots, which is intended for the greater convenience of miners in segregating their claims both from one another and from intervening agricultural lands.

LEGAL SUBDIVISIONS. 55. It is held, therefore, that under a proper construction of the law these ten-acre lots in mining districts should be considered and dealt with, to all intents and purposes, as legal subdivisions, and that an applicant having a legal claim which conforms to one or more of these ten-acre lots, either adjoining or cornering, may make entry thereof, after the usual proceedings, without further survey or plat.

SPECIFIC AND ACCURATE DESCRIPTION. 56. In cases of this kind, however, the notice given of the application must be very specific and accurate in description, and as the forty-acre tracts may be subdivided into ten-acre lots, either in the form of squares of ten by ten chains, or of parallelograms five by twenty chains, so long as the lines are parallel and at right angles with the lines of the public surveys, it will be necessary that the notice and application state specifically what ten-acre lots are sought to be patented, in addition to the other data required in the notice.

57. Where the ten-acre subdivision is in the form of a square it may be described, for instance, as the "SE. ¼ of the SW. ¼ of NW. ¼," or, if in the form of a parallelogram as aforesaid, it may be described as the "W. ½ of the W. ½ of the SW. ¼ of the NW. ¼ (or the N. ½ of the S. ½ of NE. ¼ of the SE. ¼) of section ——, township ——, range ——," as the case may be; but, in addition to this description of the land, the notice must give all the other *data* that is required in a mineral application, by which parties may be put on inquiry as to the premises sought to be patented. The proofs submitted with applications for claims of this kind must show clearly the character and the extent of the improvements upon the premises.

Inasmuch as the surveyor-general has no duty to perform in

connection with the entry of a placer claim of legal subdivisions, the proof of improvements must show their value to be not less than five hundred dollars and that they were made by the applicant for patent or his grantors. The annual expenditure to the amount of $100, required by section 2324, Revised Statutes, must be made upon placer claims as well as lode claims.

PLACERS THAT INCLUDE VEIN OR LODE. 58. Applicants for patent to a placer claim, who are also in possession of a known vein or lode included therein, must state in their application that the placer includes such vein or lode. The published and posted notices must also include such statement. If veins or lodes lying within a placer location are owned by other parties, the fact should be distinctly stated in the application for patent, and in all the notices. But in all cases, whether the lode is claimed or excluded, it must be surveyed and marked upon the plat; the field notes and plat giving the area of the lode claim or claims and the area of the placer separately. It should be remembered that an application which omits to include an application for a known vein or lode therein must be construed as a conclusive declaration that the applicant has no right of possession to the vein or lode. Where there is no known lode or vein the fact must appear by the affidavit of two or more witnesses.

59. By section 2330, it is declared that no location of a placer claim, made after July 9, 1870, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys.

EXTENT. 60. Section 2331 provides that all placer mining claims located after May 10, 1872, shall conform as nearly as practicable with the United States systems of public surveys and the subdivisions of such surveys, and no such locations shall include more than twenty acres for each individual claimant.

LAW CONSTRUED. 61. The foregoing provisions of law are construed to mean that after the 9th day of July, 1870, no location of a placer claim can be made to exceed one hundred and sixty acres, whatever may be the number of locators associated together, or whatever the local regulations of the district may allow; and that from and after May 10, 1872, no

location made by an individual can exceed twenty acres, and no location made by an association of individuals can exceed one hundred and sixty acres, which location of one hundred and sixty acres cannot be made by a less number than eight bona fide locators, and no local laws or mining regulations can restrict a placer location to less than twenty acres, although the locator is not compelled to take so much.

62. The regulations hereinbefore given as to the manner of marking locations on the ground, and placing the same on record, must be observed in the case of placer locations so far as the same are applicable, the law requiring, however, that where placer claims are upon surveyed public lands the locations must hereafter be made to conform to legal subdivisions thereof as near as practicable.

APPLICATION FOR PATENT. 63. The first care in recognizing an application for patent upon a placer claim must be exercised in determining the exact classification of the lands. To this end the clearest evidence of which the case is capable should be presented.

(1) If the claim be all placer ground, that fact must be stated in the application and corroborated by accompanying proof; if of mixed placers and lodes, it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration, such as is required by section 2333, Revised Statutes, must be furnished as to each lode intended to be claimed. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise.

(2) Section 2395, Revised Statutes (subdivision 7), requires the surveyor to "note in his field books the true situation of all mines, salt licks, salt springs and mill seats which come to his knowledge;" also "all water-courses over which the lines he runs may pass." It further requires him to "note the quality of the lands." These descriptive notes are required by subdivision 8 to be incorporated in the plat by the surveyor-general.

(3) If these duties have been performed, the public surveys will furnish a reasonable guide to the district officers and to claimants in prosecuting their applications. But experience has shown that great neglect has resulted from inattention to the law in this respect, and the regular plats are of very little value in the matter. It will, therefore, be required in the future that

deputy-surveyors shall, at the expense of the parties, make full examination of all placer claims surveyed by them, and duly note the facts as specified in the law, stating the quality and composition of the soil, the kind and amount of timber and other vegetation, the locus and size of streams, and such other matters as may appear upon the surface of the claim. This examination should include the character and extent of all surface and underground workings, whether placer or lode, for mining purposes.

(4) In addition to these data, which the law requires to be shown in all cases, the deputy should report with reference to the proximity of centers of trade or residence; also of well known systems of lode deposit or of individual lodes. He should also report as to the use or adaptability of the claim for placer mining; whether water has been brought upon it in sufficient quantity to mine the same, or whether it can be procured for that purpose; and, finally, what works or expenditures have been made by the claimant or his grantors for the development of the claim, and their situation and location with respect to the same as applied for.

(5) This examination should be reported by the deputy under oath to the surveyor-general, and duly corroborated; and a copy of the same should be furnished with the application for patent to the claim, constituting a part thereof, and included in the oath of the applicant.

(6) Applications awaiting entry, whether published or not, must be made to conform to these regulations, with respect to examination as to the character of the land. Entries already made will be suspended for such additional proofs as may be deemed necessary in each case.

MILL-SITES.

64. Section 2337 provides that "where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-

adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction-works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section."

RIGHTS, HOW ACQUIRED. 65. To avail themselves of this provision of law, parties holding the possessory right to a vein or lode, and to a piece of non-mineral land not contiguous thereto, for mining or milling purposes, not exceeding the quantity allowed for such purpose by section 2337, United States Revised Statutes or prior laws, under which the land was appropriated, the proprietors of such vein or lode may file in the proper land-office their application for a patent, under oath, in manner already set forth herein, which application, together with the plat and field notes, may include, embrace, and describe, in addition to the vein or lode, such non-contiguous mill-site, and after due proceedings as to notice, etc., a patent will be issued conveying the same as one claim.

COPY OF PLAT, ETC., MUST BE POSTED. 66. In making the survey in a case of this kind, the lode claim should be described in the plat and field notes as "Sur. No. 37, A," and the mill-site as "Sur. No. 37, B," or whatever may be its appropriate numerical designation; the course and distance from a corner of the mill-site to a corner of the lode claim to be invariably given in such plat and field notes, and a copy of the plat and notice of application for patent must be conspicuously posted upon the mill-site as well as upon the vein or lode for the statutory period of sixty days. In making the entry no separate receipt or certificate need be issued for the mill-site, but the whole area of both lode and mill-site will be embraced in one entry, the price being five dollars for each acre and fractional part of an acre embraced by such lode and mill-site claim.

67. In case the owner of a quartz-mill or reduction works is not the owner or claimant of a vein or lode, the law permits him to make application therefor in the same manner prescribed herein for mining claims, and after due notice and proceedings, in the absence of a valid adverse filing, to enter and receive a patent for his mill-site at said price per acre.

LAND MUST BE NON-MINERAL. 68. In every case there must be satisfactory proof that the land claimed as a mill-site is not mineral in character, which proof may, where the matter is unquestioned, consist of the sworn statement of two or more persons capable from acquaintance with the land to testify understandingly.

POSSESSORY RIGHT.

69. With regard to the proofs necessary to establish the possessory right to a mining claim, section 2332 provides that "where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim."

LESSEN THE BURDEN OF PROOF. 70. This provision of law will greatly lessen the burden of proof, more especially in the case of old claims located many years since, the records of which, in many cases. have been destroyed by fire, or lost in other ways during the lapse of time, but concerning the possessory right to which all controversy or litigation has long been settled.

PROOF REQUIRED. 71. When an applicant desires to make his proof of possessory right in accordance with this provision of law, he will not be required to produce evidence of location, copies of conveyances, or abstracts of title, as in other cases, but will be required to furnish a duly certified copy of the statute of limitation of mining claims for the State or Territory, together with his sworn statement giving a clear and succinct narration of the facts as to the origin of his title, and likewise as to the continuation of his possession of the mining ground covered by his application; the area thereof; the nature and extent of the mining that has been done thereon; whether there has been any opposition to his possession, or litigation with regard to his claim, and, if so, when the same ceased; whether such cessation was caused by compromise or by judicial decree, and any additional facts within the claimant's knowl-

edge having a direct bearing upon his possession and bona fides which he may desire to submit in support of his claim.

CERTIFICATE OF NO SUIT PENDING. 72. There should likewise be filed a certificate, under seal of the court having jurisdiction of mining cases within the judicial district embracing the claim, that no suit or action of any character whatever involving the right of possession to any portion of the claim applied for is pending, and that there has been no litigation before said court affecting the title to said claim or any part thereof for a period equal to the time fixed by the statute of limitations for mining claims in the State or Territory as aforesaid, other than that which has been finally decided in favor of the claimant.

CORROBORATION REQUIRED. 73. The claimant should support his narrative of facts relative to his possession, occupancy, and improvements by corroborative testimony of any disinterested person or persons of credibility who may be cognizant of the facts in the case and are capable of testifying understandingly in the premises.

PATENT. 74. As a condition for the making of application for patent according to section 2325, there must be a preliminary showing of work or expenditure upon each location, either by showing the full amount sufficient to the maintenance of possession under section 2324 for the pending year; or, if there has been failure, it should be shown that work has been resumed so as to prevent relocation by adverse parties after abandonment.

PENDING YEAR. The "pending year" means the calendar year in which application is made, and has no reference to a showing of work at date of the final entry.

75. This preliminary showing may, where the matter is unquestioned, consist of the affidavit of two or more witnesses familiar with the facts.

PROOF OF CITIZENSHIP OF MINING CLAIMANTS.

76. The proof necessary to establish the citizenship of applicants for mining patents must be made in the following manner: In case of an incorporated company, a certified copy of their charter or certificate of incorporation must be filed. In case of an association of persons unincorporated, the affidavit of their duly authorized agent, made upon his own

knowledge or upon information and belief, setting forth the residence of each person forming such association, must be submitted. This affidavit must be accompanied by a power of attorney from the parties forming such association, authorizing the person who makes the affidavit of citizenship to act for them in the matter of their application for patent.

77. In case of an individual or an association of individuals who do not apear by their duly authorized agent, you will require the affidavit of each applicant, showing whether he is a native or naturalized citizen, when and where born, and his residence.

78. In case an applicant has declared his intention to become a citizen or has been naturalized, his affidavit must show the date, place and court before which he declared his intention, or from which his certificate of citizenship issued, and present residence.

79. The affidavit of the claimant as to his citizenship may be taken before the register or receiver, or any other officer authorized to administer oaths within the land district; or, if the claimant is residing beyond the limits of the district, the affidavit may be taken before the clerk of any court of record or before any notary public of any State or Territory.

80. If citizenship is established by the testimony of disinterested persons, such testimony may be taken at any place before any person authorized to administer oaths, and whose official character is duly verified.

ADVERSE CLAIMS.

81. Section 2326, and the act of April 26, 1882, provide for adverse claims, fix the time within which they shall be filed to have legal effect, and prescribe the manner of their adjustment, etc.

WHERE FILED. 82. An adverse mining claim must be filed with the register and receiver of the Land Office where the application for patent was filed, or with the register and receiver of the district in which the land is situated at the time of filing the adverse claim. It must be on the oath of the adverse claimant, or it may be verified by the oath of any duly authorized agent or attorney-in-fact of the adverse claimant, cognizant of the facts stated.

83. Where an agent or attorney-in-fact verifies the adverse claim, he must distinctly swear that he is such agent or attorney, and accompany his affidavit by proof thereof.

84. The agent or attorney-in-fact must make the affidavit in verification of the adverse claim within the land district where the claim is situated.

85. The adverse notice must fully set forth the nature and extent of the interference or conflict; whether the adverse party claims as a purchaser for valuable consideration or as a locator; if the former, a certified copy of the original location, the original conveyance, a duly certified copy thereof, or an abstract of title from the office of the proper recorder should be furnished, or if the transaction was a merely verbal one he will narrate the circumstances attending the purchase, the date thereof, and the amount paid, which facts should be supported by the affidavit of one or more witnesses, if any were present at the time, and if he claims as a locator he must file a duly certified copy of the location from the office of the proper recorder.

BOUNDARIES AND EXTENT. 86. In order that the "boundaries" and "extent" of the claim may be shown, it will be incumbent upon the adverse claimant to file a plat showing his entire claim, its relative situation or position with the one against which he claims, and the extent of the conflict. This plat must be made from an actual survey by a United States deputy-surveyor, who will officially certify thereon to its correctness; and in addition there must be attached to such plat of survey a certificate or sworn statement by the surveyor as to the approximate value of the labor performed or improvements made upon the claim by the adverse party or his predecessors in interest, and the plat must indicate the position of any shafts, tunnels, or other improvements, if any such exist, upon the claim of the party opposing the application, and by which party said improvements were made: Provided, however, That, if the application for patent describes the claim by legal subdivisions, the adverse claimant, if also claiming by legal subdivisions, may describe his adverse claim in the same manner without further survey or plat.

NOTICE OF ADVERSE CLAIMS. 87. Upon the foregoing being filed within the sixty days as aforesaid, the register, or in his absence the receiver, will give notice in writing

to both parties to the contest that such adverse claim has been filed, informing them that the party who filed the adverse claim will be required within thirty days from the date of such filing to commence proceedings in a court of competent jurisdiction to determine the question of right of possession, and to prosecute the same with reasonable diligence to final judgment, and that, should such adverse claimant fail to do so, his adverse claim will be considered waived, and the application for patent be allowed to proceed upon its merits.

88. When an adverse claim is filed as aforesaid, the register or receiver will indorse upon the same the precise date of filing, and preserve a record of the date of notifications issued thereon; and thereafter all proceedings on the application for patent will be suspended, with the exception of the completion of the publication and posting of notices and plat, and the filing of the necessary proof thereof, until the controversy shall have been adjudicated in court, or the adverse claim waived or withdrawn.

CERTIFIED COPY OF JUDGMENTS TO BE FILED. 89. Where an adverse claim has been filed and suit thereon commenced within the statutory period, and final judgment determining the right of possession rendered in favor of the applicant, it will not be sufficient for him to file with the register a certificate of the clerk of the court, setting forth the facts as to such judgment, but he must, before he is allowed to make entry, file a certified copy of the judgment, together with the other evidence required by section 2326, Revised Statutes.

90. Where such suit has been dismissed, a certificate of the clerk of the court to that effect, or a certified copy of the order of dismissal, will be sufficient.

91. In no case will a relinquishment of the ground in controversy, or other proof, filed with the register or receiver, be accepted in lieu of the evidence required.

IF SUIT IS NOT COMMENCED. 92. Where an adverse claim has been filed, but no suit commenced against the applicant for patent within the statutory period, a certificate to that effect by the clerk of the State court having jurisdiction in the case, and also by the clerk of the circuit court of the United States for the district in which the claim is situated, will be required,

WHO NOT ENTITLED TO MAKE ENTRY. 93. A party who is not an applicant for patent under section 2325, Revised Statutes, or the assignee of such applicant, is not entitled to make entry under said section, and in no case will the name of such party be inserted in the certificate of entry. This regulation has no reference to proceedings under section 2326.

TRUSTEE. 94. Any party applying to make entry as trustee must disclose fully the nature of the trust and the name of the cestui que trust; and such trustee, as well as the beneficiaries, must furnish satisfactory proof of citizenship; and the names of beneficiaries, as well as that of the trustee, must be inserted in the final certificate of entry.

95. No entry will be allowed until the register has satisfied himself, by a careful examination, that proper proofs have been filed upon all the points indicated in official regulations in force, and that they show a sufficient bona fide compliance with the laws and such regulations.

LAWS EXTENDED TO ALASKA. 96. The administration of the mining laws as prescribed by these regulations will be, so far as applicable, adopted for, and extended to Alaska.

(1) The ex-officio register, receiver, and surveyor-general, while acting as such, and their clerks and deputy surveyors, will be deemed subject to the laws and regulations governing the official conduct and responsibilities of similar officers and persons under general statutes of the United States.

(2) The Commissioner of the General Land Office will exercise the same general supervision over the execution of the laws as are or may be exercised by him in other mineral districts.

APPOINTMENT OF DEPUTY SURVEYORS OF MINING CLAIMS—CHARGES FOR SURVEYS AND PUBLICATIONS—FEES OF REGISTERS AND RECEIVERS, ETC.

97. Section 2334 provides for the appointment of surveyors of mineral claims, authorizes the Commissioners of the General Land Office to establish the rates to be charged for surveys and for newspaper publications.

Under this authority of law the following rates have been established as the maximum charges for newspaper publications in mining cases:

(1) Where a daily newspaper is designated, the charge shall not exceed seven dollars for each ten lines of space occupied, and where a weekly newspaper is designated as the medium of publication five dollars for the same space will be allowed. Such charge shall be accepted as full payment for publication in each issue of the newspaper for the entire period required by law.

It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and the said rates established upon the understanding that they are to be in the usual body-type used for advertisements.

(2) For the publication of citations in contests or hearings involving the character of lands, the charges shall not exceed eight dollars for five publications in weekly newspapers, or ten dollars for publications in daily newspapers for thirty days.

98. The surveyors-general of the several districts will, in pursuance of said law, appoint in each land district as many competent deputies for the survey of mining claims as may seek such appointment; it being distinctly understood that all expenses of these notices and surveys are to be borne by the mining claimants and not by the United States; the system of making deposits for mineral surveys, as required by previous instructions, being hereby revoked as regards field work; the claimant having the option of employing any deputy surveyor within such district to do his work in the field.

99. With regard to the platting of the claim and other office work in the surveyor-general's office, that officer will make an estimate of the cost thereof, which amount the claimant will deposit with any assistant United States Treasurer, or designated depository in favor of the United States Treasurer, to be passed to the credit of the fund created by "individual depositors for surveys of the public lands," and file with the surveyor-general duplicate certificates of such deposit in the usual manner.

100. The surveyors-general will endeavor to appoint mineral deputy surveyors, so that one or more may be located in each mining district for the greater convenience of miners.

101. The usual oaths will be required of these deputies and

their assistants as to the correctness of each survey executed by them.

The duty of the deputy mineral surveyor ceases when he has executed the survey and returned the field notes and preliminary plat thereof with his report to the surveyor-general. He will not be allowed to prepare for the mining claimant the papers in support of an application for patent, or otherwise perform the duties of an attorney before the land office in connection with a mining claim.

The surveyors-general and local land officers are expected to report any infringement of this regulation to this office.

102. The law requires that each applicant shall file with the register and receiver a sworn statement of all charges and fees paid by him for publication of notice and for survey, together with all fees and money paid the register and receiver, which sworn statement is required to be transmitted to this office for the information of the Commissioner.

103. Should it appear that excessive or exorbitant charges have been made by any surveyor or any publisher, prompt action will be taken with the view of correcting the abuse.

104. The fees payable to the register and receiver for filing and acting upon applications for mineral-land patents are five dollars to each officer, to be paid by the applicant for patent at the time of filing, and the like sum of five dollars is payable to each officer by an adverse claimant at the time of filing his adverse claim (Sec. 2238, R. S., paragraph 9).

105. All fees or charges under this law may be paid in United States currency.

106. The register and receiver will, at the close of each month, forward to this office an abstract of mining applications filed, and a register of receipts, accompanied with an abstract of mineral lands sold, and an abstract of adverse claims filed.

107. The fees and purchase money received by registers and receivers must be placed to the credit of the United States in the receiver's monthly and quarterly account, charging up in the disbursing account the sums to which the register and receiver may be respectively entitled as fees and commissions, with limitations in regard to the legal maximum.

PROCEEDINGS BEFORE THE REGISTER AND RECEIVER AND SURVEYORS-GENERAL IN CONTESTS AND HEARINGS TO ESTABLISH THE CHARACTER OF LANDS.

108. The "Rules of Practice in cases before the United States district land offices, the General Land Office, and the Department of the Interior," approved August 13, 1895, will, as far as applicable, govern in all cases and proceedings arising in contests and hearings to determine the mineral or non-mineral character of lands.

109. No public land shall be withheld from entry as agricultural land on account of its mineral character, except such as is returned by the surveyor-general as mineral; and the presumption arising from such a return may be overcome by testimony taken in the manner hereinafter described.

110. Hearings to determine the character of lands are practically of two kinds, as follows:

1. When lands are returned as mineral by the surveyor-general.

When such lands are sought to be entered as agricultural under laws which require the submission of final proof after due notice by publication and posting, the filing of the proper non-mineral affidavit in the absence of allegations that the land is mineral will be deemed sufficient as a preliminary requirement. A satisfactory showing as to character of land must be made when final proof is submitted.

In case of application to enter, locate, or select such lands as agricultural, under laws in which the submission of final proof after due publication and posting is not required, notice thereof must first be given by publication for thirty days and posting in the local office during the same period, and affirmative proof as to the character of the land submitted. In the absence of allegations that the land is mineral, and upon compliance with this requirement, the entry, location, or selection will be allowed, if otherwise regular.

2. When lands which are sought to be entered as agricultural are alleged by affidavit to be mineral or when sought as

mineral their non-mineral character is alleged. The proceedings in this class of cases are in the nature of a contest between two or more known parties and are provided for in the rules of practice.

111. At the hearings under either of the aforesaid classes, the claimants and witnesses will be thoroughly examined with regard to the character of the land; whether the same has been thoroughly prospected; whether or not there exists within the tract or tracts claimed any lode or vein of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or other valuable deposit which has ever been claimed, located, recorded, or worked; whether such work is entirely abandoned, or whether occasionally resumed; if such lode does exist, by whom claimed, under what designation, and in which subdivision of the land it lies; whether any placer mine or mines exist upon the land; if so, what is the character thereof—whether of the shallow surface description, or of the deep cement, blue lead or gravel deposits; to what extent mining is carried on when water can be obtained, and what the facilities are for obtaining water for mining purposes; upon what particular ten-acre subdivisions mining has been done, and at what time the land was abandoned for mining purposes, if abandoned at all.

112. The testimony should also show the agricultural capacities of the land, what kind of crops are raised thereon, and the value thereof; the number of acres actually cultivated for crops of cereals or vegetables, and within which particular ten-acre subdivision such crops are raised; also which of these subdivisions embrace the improvements, giving in detail the extent and value of the improvements, such as house, barn, vineyard, orchard, fencing, etc., and mining improvements.

113. The testimony should be as full and complete as possible; and in addition to the leading points indicated above, where an attempt is made to prove mineral character of lands which have been entered under the agricultural laws, it should show at what date, if at all, valuable deposits of mineral were first known to exist on the lands.

114. When the case comes before this office, such decision will be made as the law and the facts may justify; and in cases where a survey is necessary to set apart the mineral from the agricultural land, the necessary instructions will be

given to enable the proper party at his own expense, to have the work done, at his option, either by United States deputy, county, or other local surveyor; the survey in such case, where the claims to be segregated are vein or lode claims, must be executed in such manner as will conform to the requirements in section 2320, U. S. Revised Statutes, as to length and width and parallel end lines.

115. Such survey when executed must be properly sworn to by the surveyor, either before a notary public, officer of a court of record, or before the register or receiver, the deponent's character and credibility to be properly certified to by the officer administering the oath.

116. Upon the filing of the plat and field notes of such survey, duly sworn to as aforesaid, you will transmit the same to the surveyor-general for his verification and approval; who, if he finds the work correctly performed, will properly mark out the same upon the original township plat in his office, and furnish authenticated copies of such plat and description both to the proper local land office and to this office, to be affixed to the duplicate and triplicate township plats respectively.

117. With the copy of plat and description furnished the local office and this office, must be a diagram tracing, verified by the surveyor-general, showing the claim or claims segregated, and designating the separate fractional agricultural tracts in each 40-acre legal subdivision by the proper lot number, beginning with No. 1 in each section, and giving the area in each lot, the same as provided in paragraph 45, in the survey of mining claims on surveyed lands.

118. The fact that a certain tract of land is decided upon testimony to be mineral in character is by no means equivalent to an award of the land to a miner. A miner is compelled by law to give sixty days' publication of notice, and posting of diagrams and notices, as a preliminary step, and then, before he can enter the land, he must show that the land yields mineral; that he is entitled to the possessory right thereto in virtue of compliance with local customs or rules of miners, or by virtue of the statute of limitations; that he or his grantors have expended, in actual labor and improvements, an amount of not less than five hundred dollars thereon, and that the claim is one in regard to which there is no controversy or opposing claim. After all these proofs are met, he is entitled

to have a survey made at his own cost where a survey is required, after which he can enter and pay for the land embraced by his claim.

119. Blank forms for proofs in mineral cases are not furnished by the General Land Office.

THOMAS H. CARTER, Commissioner.
JOHN W. NOBLE, Secretary.

Approved December 10, 1891.

(United States Mining Forms are given in last part of this book. See index.)

Department of the Interior,
General Land Office.
Washington, D. C., October 12, 1892.

Registers and Receivers, United States Land Offices:

GENTLEMEN: Attached is a copy of the act of Congress of August 4, 1892, entitled "An act to authorize the entry of lands chiefly valuable for building stone under the placer mining laws."

The first section of said act extends the mineral land laws already existing so as to bring land chiefly valuable for building-stone within the provisions of said law to the extent of authorizing a placer entry of such land. The proviso to said first section excludes lands reserved for the benefit of the public schools or donated to any State from entry under the act.

In cases that may arise hereafter in reference to any lands subject to entry under the mining laws, you will be governed by said act in admitting such entries. The proper instructions for your guidance in so doing may be found in official circular of December 10, 1891, entitled "United States Mining Laws and Regulations Thereunder," to which you are referred, and your special attention is called to the law and instructions therein relating to placer claims.

It is not the understanding of this office that the first section of said act of August 4, 1892, withdraws land chiefly valuable for building-stone from entry under any existing law applicable thereto.

The second section of said act of August 4, 1892, makes the

timber and stone act of June 3, 1878 (20 Stat., 89), applicable to all the public land States. You will observe the same in acting upon applications for entries in your respective districts. For instructions you are referred to the general circular of February 6, 1892, pages 35 to 38 inclusive.

In allowing placer entries for stone chiefly valuable for building purposes, under first section of the act of August 4, 1892, you will make a reference to said act on the entry papers returned.

Very respectfully,

W. M. STONE, Acting Commissioner.

Approved October 12, 1892:

GEO. CHANDLER, Acting Secretary.

(PUBLIC—NO. 199.)

AN ACT to authorize the entry of lands chiefly valuable for building-stone under the placer mining laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building-stone under the provisions of the law in relation to placer mineral claims: Provided, That lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this act.

Sec. 2. That an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington Territory," approved June third, eighteen hundred and seventy-eight, be, and the same is hereby, amended by striking out the words "States of California, Oregon, Nevada, and Washington Territory" where the same occur in the second and third lines of said act, and insert in lieu thereof the words "Public-land States," the purpose of this act being to make said act of June third, eighteen hundred and seventy-eight, applicable to all the public-land States.

Sec. 3. That nothing in this act shall be construed to repeal section twenty-four of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one.

Approved August 4, 1892.

Department of the Interior,
General Land Office.

Washington, D. C., October 24, 1892.

Registers and Receivers, United States Land Offices:

GENTLEMEN: In addition to instructions contained in general circular of February 6, 1892, pages 35 to 38, inclusive, and pages 147 and 148, in relation to the timber and stone act of June 3, 1878, extended by the act of August 4, 1892, referred to in circular A of October 12, 1892, you are advised as follows:

1. That entries made under section one of said act are required to be kept and reported in consecutive and numerical order in your mineral land series.

2. That entries made under section two of said act are required to be kept and reported in consecutive numerical order in your regular agricultural cash series.

Necessary additional blank forms for entries under said act are as follows:

Form Nos. 4—357; 4—363; 4—370; 4—371; 4—537; 4—658 c.

Very respectfully,

W. M. STONE, Acting Commissioner.

AN ACT to amend section numbered twenty-three hundred and twenty-four of the Revised Statutes of the United States relating to mining claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section numbered twenty-three hundred and twenty-four of the Revised Statutes of the United States, which require that on each claim located after the tenth day of May, eighteen hundred and seventy-two, and until patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year, be suspended for the year eighteen hundred and ninety-four, so that no mining claim which has been regularly located and recorded as required by the local laws and mining regulations shall be subject to forfeiture for nonperformance of the annual assessment for the year eighteen hundred and ninety-four: Provided, That the claimant or claimants of any mining location, in order to secure the benefits of this act,

shall cause to be recorded in the office where the location notice or certificate is filed on or before December thirty-first, eighteen hundred and ninety-four, a notice that he or they in good faith intend to hold and work said claim; Provided, however, That the provisions of this act shall not apply to the State of South Dakota.

Sec. 2. That this act shall take effect from and after its passage.

Approved July 18, 1894. (28 Stat., 114).

Department of the Interior,
General Land Office.

Washington, D. C., November 7, 1895.

Paragraphs 32, 50, and 51 of the "United States Mining Laws and Regulations Thereunder," approved December 10, 1891, are amended to read as follows:

32. This affidavit should be supported by appropriate evidence from the mining recorder's office as to his possessory right, as follows, viz: Where he claims to be the locator, or a locator in company with others who have since conveyed their interest in the location to him, a full, true, and correct copy of such location notice should be furnished, as the same appears upon the mining records; such copy to be attested by the seal of the recorder, or if he has no seal, then he should make oath to the same being correct, as shown by his records. Where the applicant claims only as purchaser, a copy of the location record must be filed under seal or upon oath as aforesaid, with an abstract of title, under seal or oath as aforesaid, brought down to date of filing the application, tracing the right of possession by a continuous chain of conveyances from the original locators to the applicant, also certifying that no conveyances affecting the title to the claim in question appear of record other than those set forth in the accompanying abstract.

The abstracts herein required may be certified to by the proper recorder, or by any abstracter or abstract company, duly authorized by State or Territorial statute, if abstracts so certified by abstracters or abstract companies are by statute receivable as evidence in the courts of such State or Territory,

in the same manner and to like extent that abstracts certified by the recorder are now admitted: Provided, That proof be furnished that the abstracts so certified by abstractors or abstract companies are receivable as evidence in courts as aforesaid.

50. The rights granted to locators under section 2322, Revised Statutes, are restricted to such locations on veins, lodes, or ledges as may be "situated on the public domain." In applications for lode claims where the survey conflicts with a prior valid lode claim and the ground in conflict is excluded, the applicant not only has no right to the excluded ground, but he has no right to that portion of any vein or lode the top or apex of which lies within such excluded ground, unless his location was prior to May 10, 1872. His right to the lode claimed terminates where the lode, in its onward course or strike, intersects the exterior boundary of such excluded ground and passes within it. The end line of his survey should not, therefore, be established beyond such intersection.

51. Where, however, the lode claim for which survey is being made was located prior to the conflicting claim, and such conflict is to be excluded, in order to include all ground not so excluded the end line of the survey may be established within the conflicting lode claim, but the line must be so run as not to extend any farther into such conflicting claim than may be necessary to make such end line parallel to the other end line and at the same time embrace the ground so held and claimed. The useless practice in such cases of extending both the side lines of a survey into the conflicting claim, and establishing an end line wholly within it, beyond a point necessary under the rule just stated, will be discontinued.

Very respectfully,

S. W. LAMOREUX, Commissioner.

Approved:

HOKE SMITH, Secretary of the Interior.

PART III.

ALASKA.

PUBLIC LANDS OTHER THAN MINERAL, TOWN SITES. TRADING AND MANUFACTURING PURPOSES.

PART 3.

PUBLIC LANDS OF ALASKA OTHER THAN MINERAL. —TOWN SITES, TRADING AND MANUFACTURING PURPOSES.

The United States General Land Laws do not apply to Alaska (Section eight, Act of May 17th, 1884. See page 24).

REGULATIONS PROVIDED BY THE COMMISSIONER OF THE GENERAL LAND OFFICE.

Department of the Interior,
General Land Office.
Washington, D. C., June 3, 1891.

Sections 11, 12, 13, 14 and 15 of an act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," make provisions, under certain conditions, restrictions, and exceptions, for the disposal of public land in the Territory of Alaska for town-site purposes, and for the use and necessities of trade and manufactures, as follows:

Sec. 11. That until otherwise ordered by Congress lands in Alaska may be entered for town-site purposes, for the several use and benefit of the occupants of such town sites by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section twenty-three hundred and eighty-seven of the Revised Statutes as near as may be; and when such entries shall have been made the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town site, including the survey of the land into lots, according to the spirit and intent of said section twenty-three hundred and eighty-seven of the Revised Statutes, whereby the same result would be reached as though the entry had been made by a county judge and the disposal of the lots in such town site and the proceeds of the sale thereof had been prescribed by the legislative authority of a State or Territory; Provided, That no more than six hundred and forty acres shall be embraced in one town-site entry.

Sec. 12. That any citizen of the United States twenty-one years of age, and any association of such citizens, and any corporation incorporated under the laws of the United States, or of any State or Territory of the United States now authorized by law to hold lands in the Territories now or hereafter in possession of and occupying public lands in Alaska for the purpose of trade or manufactures, may purchase not exceeding one hundred and sixty acres, to be taken as near as practicable in a square form, of such land at two dollars and fifty cents per acre: Provided, That in case more than one person, association, or corporation shall claim the same tract of land the person, association, or corporation having the prior claim by reason of possession and continued occupation shall be entitled to purchase the same; but the entry of no person, association, or corporation shall include improvements made by or in possession of another prior to the passage of this act.

Sec. 13. That it shall be the duty of any person, association, or corporation entitled to purchase land under this act to make an application to the United States marshal, ex officio surveyor-general of Alaska, for an estimate of the cost of making a survey of the lands occupied by such person, association, or corporation, and the cost of the clerical work necessary to be done in the office of the said United States marshal, ex officio surveyor-general; and on the receipt of such estimate from the United States marshal, ex officio surveyor-general, the said person, association, or corporation shall deposit the amount in the United States depository, as is required by section numbered twenty-four hundred and one, Revised Statutes, relating to deposits for surveys.

That on the receipt by the United States marshal, ex officio surveyor-general, of the said certificates of deposit, he shall employ a competent person to make such survey, under such rules and regulations as may be adopted by the Secretary of the Interior, who shall make his return of his field-notes and maps to the office of the said United States marshal, ex officio surveyor-general; and the said United States marshal, ex officio surveyor-general, shall cause the said field-notes and plats of such survey to be examined, and if correct, approve the same, and shall transmit certified copies of such maps and plats to the office of the Commissioner of the General Land Office.

That when the said field notes and plats of said survey shall have been approved by the said Commissioner of the General Land Office, he shall notify such person, association, or corporation, who shall then, within six months after such notice, pay to the said United States marshal, ex officio surveyor-general, for such land, and patent shall issue for the same.

Sec. 14. That none of the provisions of the last two preceding sections of this act shall be so construed as to warrant the sale of any lands belonging to the United States which shall contain coal or the precious metals, or any town site, or which shall be occupied by the United States for public purposes, or which shall be reserved for such purposes, or to which the natives of Alaska have prior rights by virtue of actual occupation, or which shall be selected by the United States Commissioner of Fish and Fisheries on the islands of Kadiak and Afognak for the purpose of establishing fish-culture stations. And all tracts of land not exceeding six hundred and forty acres in any one tract now occupied as missionary stations in said district of Alaska are hereby excepted from the operation of the last three preceding sections of this act. No portions of the island of the Priblov Group or the Seal Islands of Alaska shall be subject to sale under this act; and the United States reserves, and there shall be reserved in all patents issued under the provisions of the last two preceding sections the right of the United States to regulate the taking of salmon and to do all things necessary to protect and prevent the destruction of salmon in all the waters of the lands granted frequented by salmon.

Sec. 15. That until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago in southeastern Alaska, on the north side of Dixon's Entrance, be, and the same is hereby, set apart as a reservation for the use of the Metlakahtla Indians, and those people known as Metlakahtlans who have recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior.

Pursuant to these provisions, I have prepared the following

rules and regulations for the observance and direction of the ex officio surveyor-general of said Territory, the ex officio register and receiver of the Sitka land office, the trustees appointed under said provisions, and all other officials mentioned or referred to herein, and such persons, associations, and corporations as desire to take advantage of the rights guaranteed to them under the provisions of said act, and for convenience I shall first develop the mode of procedure and requirements in connection with entries made for purposes of trade and manufactures, to wit:

1. Applications for surveys must be made in writing, by the person entitled to purchase land under said act, or by the authorized agent of the association or corporation so entitled. The application must particularly describe the character of the land sought to be surveyed, and, as accurately as possible, its geographical position, with the character, extent, and approximate value of the improvements. If a private survey had previously been made of the land occupied by the applicant, a copy of the plat and field-notes of such survey should accompany the application, which must also state that the land contains neither coal nor the precious metals, with reasons for such statement; that no part of the land described in the application includes improvements made by or in possession of another, prior to the passage of said act; that it does not include any land to which natives of Alaska have prior rights, by virtue of actual occupation; that it does not include a portion of any town site, or lands occupied by missionary stations, or any lands occupied or reserved by the United States for public purposes, or selected by the United States Commissioner of Fish and Fisheries, or any lands reserved from sale under the provisions of this act. These statements must be verified by affidavit.

2. If, upon examination, the application shall be approved by the ex officio surveyor-general, he will furnish the applicants with two separate estimates, one for the field work, and one for office work, the latter to include clerk hire and the necessary stationery. The ex officio surveyor-general will be careful to estimate adequate sums in order to avoid the necessity for additional deposits.

3. Upon receiving such estimates, applicants may deposit in a proper United States depository, to the credit of the

Treasurer of the United States, on account of surveying the public lands in Alaska, and expenses incident thereto, the sums so estimated as the total cost of the survey, including field and office work.

4. The original certificate must in every case be forwarded to the Secretary of the Treasury, the duplicate to the ex officio surveyor-general, the triplicate to be retained by the applicant as his receipt.

5. The triplicate certificate of deposit will be receivable in payment to the extent of the amount of such certificate, for the land purchased, the surveying of which is paid for out of such deposit, as provided in section 2403 of the Revised Statutes. (See par. 9, post.)

6. Where the amount of the certificate or certificates is less than the value of the lands taken, the balance must be paid in cash. But where the certificate is for an amount greater than the cost of the land, and is surrendered in full payment for such land, the United States marshal, ex officio surveyor-general, will indorse on the triplicate certificate the amount for which it is received, and will charge the United States with that amount only. There is no provision of law authorizing the issue of duplicate certificates for certificates lost and destroyed.

7. Where the amount of the deposit is greater than the cost of survey, including field and office work, the excess is repayable, as under the provisions of section 2402 of the Revised Statutes, upon an account to be stated by the ex officio surveyor-general, who will in all cases be careful to express upon the plats of each survey the amount deposited as the cost of survey in the field and office work, and the amount to be refunded in each case. No provision of law exists, however, for refunding to other than the depositor.

8. Before transmitting accounts for refunding excesses, the ex officio surveyor-general will indorse on the back of the triplicate certificate the following: "$—— refunded to —— ——, by account transmitted to the General Land Office with letter dated ——," and will state in the account that he has made such indorsement. Where the whole amount deposited is to be refunded, the ex officio surveyor-general will require the depositor to surrender the triplicate certificate, and will transmit it to this office with the account.

9. The provisions of section 2403 of the Revised Statutes, as amended by the act of March 3, 1879 (20 Stat. at Large, p. 352), relating to the assignment of certificates by indorsement, are not applicable to certificates of deposits for surveys in Alaska under said act of March 3, 1891, for the reason that the former statute contemplates the use of the certificates, after assignment, by settlers under the pre-emption and homestead laws of the United States and not otherwise. Therefore, these triplicate certificates can only be used by the respective depositors in payment for lands in Alaska.

10. The amount shown on the face of the certificate to have been deposited for "office work" will be placed to the credit of the ex officio surveyor-general, and, upon his requisition, an advance will be made to him from the Treasury Department to pay the expenses of said "office work." He will render quarterly accounts of such funds to the General Land Office upon blanks furnished him for that purpose.

11. The amount deposited for "field work" will be placed to the credit of said work, and will be expended in the payment of the surveying accounts of the deputy surveyors, when the surveys are accepted and the accounts adjusted in this office, and transmitted to the First Comptroller of the Treasury for payment from said deposits.

12. The contract system is not deemed applicable to the class of surveys contemplated by said act of March 3, 1891, owing to the small amounts which will doubtless be involved in many of the surveys, and particularly in view of the great distance between this office, and that of the ex officio surveyor-general, and the consequent inconvenient delays in correspondence. The ex officio surveyor-general will therefore appoint as many competent deputy surveyors as may be necessary for the prompt execution of the surveys, who will each be required to enter into a bond in the penal sum of five thousand dollars ($5,000) for the faithful execution, according to law and the instructions of the Commissioner of the General Land Office and the United States marshal, ex officio surveyor-general of Alaska, of all surveys which are required of him to be made in pursuance of his appointment as United States deputy surveyor, and for the return of said surveys to the United States marshal, ex officio surveyor-general, as required by law and instructions. The bonds, in duplicate, will be forwarded

for acceptance by this office. Upon appointment, the deputy must take the oath of office required by section 2223 of the Revised Statutes.

13. When the duplicate certificates of deposit of the amounts estimated for field and office work, shall have been received by the ex officio surveyor-general, the requisite instructions for the surveys and making returns thereof will be issued to the deputy surveyor who may be designated to do the work. The amount of compensation to the deputy surveyor must be stated in the instructions and the same must not exceed the amount deposited for the field work. The land to be surveyed under any one application, can not exceed one hundred and sixty acres, and it must be in one compact body, and as nearly in square form as the circumstances and configuration of the land will admit.

14. The instruments used in the execution of these surveys should be the same as those required for subdivisional surveys of public lands (see paragraph 6, page 18 of Manual), or an engineer's transit of approved make, and must be registered and tested at the ex officio surveyor-general's office, previous to the deputy commencing work, as directed in paragraph 7, page 19 of Manual.

15. The surveys will be numbered consecutively, beginning with number one. The true magnetic variation must be noted at the beginning point of each survey, as well as any marked changes during the progress of the work, and at the end of each line of the survey the character of the soil, and the amount of timber, etc., must be noted at the end of the record thereof. The requirements in the "summary of objects and data required to be noted," as set forth in the instructions for the survey of public lands (Revised Manual of Surveying Instructions, dated December 2, 1889, pages 44 and 45), must be observed by the deputy in these surveys. All corners must be marked by stone monuments, containing not less than 1,728 cubic inches. At the beginning point upon the outboundaries of each tract surveyed, a corner must be established with two pits (when practicable) of the size required for standard township corners, one upon each side of the corner on the line, and six feet distant. Upon the side of such corner facing the claim, the stone will be marked "S. No.—" (for survey No.—), and immediately under the same, the letters "Beg. Cor. I"

(for beginning corner one). These marks must be neatly and deeply cut, for the sake of legibility and permanence. From the beginning corner the deputy will proceed to survey the several lines of the tract, in accordance with the instructions of the ex officio surveyor-general, marking each corner on the side facing the claim with number of the survey, and "Cor. No. II," "Cor. No. III," etc., with pits of the size hereinbefore prescribed, upon the lines closing upon and starting from each corner and six feet distant. Such other marks, in addition to those above described, will be placed upon the corners, as may be required by the ex officio surveyor-general in his special written instructions. As far as practicable, bearings and distances must be taken from each of the corners to two or more trees, or prominent natural objects, if any, within a convenient distance, in the same manner as required in the instructions for the survey of public lands, and such trees or objects must be marked with the number of the survey and underneath the same the letters "B. T." or "B. O." as the case may be.

16. Where a tract to be surveyed fronts upon tide-water, the front or meander line of the tract will be run at ordinary high-water mark, and the side lines of the tract will terminate at such high-water mark, thus excluding from survey and disposal, all lands situated between high and low-water marks. At the corners marking the termini of lines at high-water mark, one pit only will be dug, of the size prescribed in the Manual for meander corners, on the side toward the land and six feet distant. At all corners where pits are impracticable, a mound of stone (consisting of not less than four stones, the mound to be at least one and a half feet high with two feet base), must be constructed and in cases where pits are practicable, if the deputy prefers raising a mound of stone, or stone covered with earth, as more likely to perpetuate the corner, he will be permitted to do so. For a mound of stone "covered with earth," the height and base will be the same as required by the Manual for a mound of earth for township corners. Boundaries or portions of boundaries of previously established surveys, which also form a portion of the boundaries of the claim to be surveyed, will be adopted so far as common to both surveys.

17. The proper blank books for field-notes will be furnished

by the ex officio surveyor-general, and in such books the deputy surveyor, official plat will be prepared in triplicate, the everything officially done and observed by himself and his assistants pursuant to instructions in relation to running, measuring, and marking lines, and establishing corners, and present as far as possible, a full and complete topographical description of the tract surveyed. From the data thus recorded at the time when the work is done on the ground, the deputy must prepare the true field-notes of the surveys executed by him, and return the same to the ex officio surveyor-general at the earliest practicable date, after the completion of his work in the field. The true field-notes are in no case to be made out in the office of the ex officio surveyor-general. The true field-notes and the transcript field-notes for this office must be written in a bold, legible hand, in durable black ink, upon paper of foolscap size. Each survey will be complete in itself. The first or title page of each set of field-notes is to describe the subject-matter of the same, the locus of the survey, by whom surveyed, the date of the instructions, and the dates of the commencement and completion of the work. A general description of each tract must be given at the end of the field-notes of the survey of the same, which description must embrace a brief statement of the main features of the tract surveyed, character of the land, timber, and other natural growth, whether there are any indications of mineral, characteristics of mountains, streams, etc., and the extent and character of the improvements. All facts relative to the present occupancy of the land must be particularly noted. In preparing the true field-notes of the survey, the form prescribed in the Manual will be followed as nearly as practicable. The names of assistants, with duties assigned to each, and the preliminary and final oaths of assistants, and final oath of the deputy, must be attached to the field-notes of each survey. The deputy surveyor must return with the field-notes a topographical map or plat of the survey. As far as practicable all objects described in the field-notes and the main features of the tract surveyed, including location of buildings, streams, mountains, etc., must be protracted upon such plat as accurately as possible. The course and length of each line will be expressed upon the plat. The deputy will note all objections to his survey that may be brought to his knowledge, and the ex officio surveyor-general

will promptly report to this office all complaints made to him, and send up all protests filed in his office, together with a full report thereon.

18. From the plat and field-notes submitted by the deputy surveyor, the official plat will be prepared in triplicate, the original to be retained in the office of the ex officio surveyor-general, the duplicate to be forwarded to this office, and the triplicate, after notice of approval by the Commissioner, to be filed in United States district land office. All plats of these surveys must be made upon drawing paper of the best quality, and of uniform size, 19 by 24 inches (the size used for township plats of public land surveys). Upon each plat will be placed an appropriate title and the certificate of approval by ex officio surveyor-general. The title will be placed upon the upper right-hand corner of the plat. Immediately below will be placed the ex officio surveyor-general's approval, with sufficient space on the lower right-hand corner for the Commissioner's approval. In all cases where the tracts are bounded in part by meanders, a table of the courses and distances of such meanders will be placed upon the plat. When the claim approaches one hundred and sixty acres in extent, the plat may be protracted upon a scale of five chains to one inch. For surveys of smaller extent the scale may be suitably increased. A clear margin two inches in width should be left upon all sides of each plat. The magnetic declination must be indicated upon the plats; also the scale of protraction. The use of all fluids, except a preparation of India ink of good quality, must be avoided by the draughtsman in the delineation of these surveys. All lines, figures, etc., must be sharply defined. All lettering on the plats must be clear and sharp in outline and design, and ornamentation of any kind is prohibited.

19. One copy of the instructions to the deputy must be forwarded with the returns of survey, and one copy must accompany the account of the deputy. The returns and accounts will be forwarded with separate letters of transmittal.

20. The survey having been approved, it shall be the duty of such person, association, or corporation, within six months after notice thereof, to apply in writing to the United States court commissioner, ex officio register of the Sitka land office, to make proof and entry, in due form, reciting the name of the

party who will make the entry, the name and geographical location of the land applied for, the place and date of making proof, and the names of four witnesses by whom it is proposed to establish the right of entry. This notice will be published by said commissioner once a week for six consecutive weeks at the applicant's expense, in a newspaper published nearest to the land applied for. Copies of said notice must be posted in the office of the ex officio register, and in a conspicuous place upon the land applied for, for thirty days next preceding the date of making proof. The required proof shall consist of the affidavits of the applicant and two of the published witnesses, and shall show:

First. The actual use and occupancy of the land as a trading post or for manufacturing purposes.

Second. The date when the land was first so occupied.

Third. The number of inhabitants and character and value of improvements thereon, and the annual value of the trade or business conducted upon the land.

Fourth. The non-mineral character of the land as prescribed in said act.

Fifth. That no portion of the land applied for is occupied or reserved for any purpose by the United States, or occupied or claimed by any natives of Alaska, or occupied as a town site or missionary station, and that the tract does not include improvements made by or in possession of another person, association, or corporation prior to the passage of said act.

Sixth. If the entry is made for the benefit of an individual, he must likewise prove his citizenship or file record evidence of his declaration of intention to become a citizen.

Seventh. If the entry is made for the benefit of an association, that and the further fact that over 20 per cent of the stock of the association is not held by aliens, must be established by the certificate of the secretary of the association.

Eighth. If the entry is made for the benefit of a corporation, that must be established by the certificate of the secretary of the State of Oregon, or any other officer having custody of the record of incorporation, and the further fact that over twenty per cent of the stock of such incorporated company is not held by aliens, must be established by the certificate of the secretary of the company.

Ninth. Proof of publication of notice for the required time,

consisting of the affidavit of the publisher to that effect accompanied by a copy of the published notice, together with the certificate of the ex officio register as to the posting of the notice in his office, and the affidavit of the party who posted the notice upon the land applied for, reciting the fact and date of posting said notices and that the same so remained for the specified time hereinbefore required.

21. When the proof has been examined and found satisfactory to the said ex officio register and surveyor-general, and the certificate of purchase and receipt for the purchase price respectively issued by them, all the papers will be forwarded to this office, and if found to be complete and the entry to have been made in accordance with these instructions, patent will issue in due course.

22. If upon the day appointed for making proof and payment for any tract of land by a person, association, or corporation, any other person, or the representative of any association, or corporation, should appear and protest against the allowance of the entry, such protestant should be heard and permitted to cross-examine the claimant and his witnesses, and the complaint and the facts thus developed will be duly considered by the ex officio register and surveyor-general and such action taken as they may deem proper. Should the protestant desire to carry his action into a contest so as to introduce the testimony of witnesses either for the Government or in his own behalf, he should be required by said officers to file a sworn and corroborated statement of his grounds of action, and that the contest is not initiated for the purpose of harassing the claimant and extorting money from him under a compromise, but in good faith to prosecute the same to a final determination; and this affidavit being filed, the said officers will immediately proceed to determine the controversy, fixing a time and place for the hearing of the respective claims of the interested parties, giving each the usual notice thereof and a fair opportunity to present their interests, in accordance with the principles of law and equity applicable to the case, as prescribed by the rules for the conduct of such cases before registers and receivers of other local land offices. At the close of the case, or as soon thereafter as their duties will permit, said officers will render their decision in writing, give due notice to all parties in interest thereof, and at the earliest practicable

date forward the papers to this office together with any appeal that may have been filed from their decision. Appeals from the action of this office will lie to the Secretary of the Interior, as in other matters of like character.

23. All town-site entries in said Territory are to be made by trustees, to be appointed by the Secretary of the Interior, according to the spirit and intent of section 2387, United States Revised Statutes, which section provides that the entries of land for such purposes are to be made in trust for the several use and benefit of the occupants thereof, according to their respective interests, and at the minimum price, which in these cases shall be construed to mean $1.25 per acre. When the inhabitants of a place and their occupations and requirements constitute more than a mere trading post, but are less than one hundred in number, the town-site entry shall be restricted to one hundred and sixty acres; but where the inhabitants are in number one hundred and less than two hundred, the town-site entry may embrace any area not exceeding three hundred and twenty acres; and in cases where the inhabitants number more than two hundred, the town-site entry may embrace any area not exceeding six hundred and forty acres. It will be observed that no more than six hundred and forty acres shall be embraced in one town-site entry in said Territory.

The system of public surveys not having been extended over any portion of the Territory of Alaska, and no provision being made in said act for the payment of the cost of officially making a special survey of the exterior lines of the town sites to be entered thereunder, it becomes necessary for the occupants of any town site in said Territory, as a prerequisite to having an entry made of the land claimed by them, to proceed in the same manner and form to secure the special survey of the land, as above prescribed for applicants for lands in said Territory for trade and manufacturing purposes. To that end the rules above set forth and numbered one to nineteen, inclusive, are hereby made applicable in manner, form, and detail, to such occupants or their agent in applying for and securing the execution of the special survey of the outboundaries of such town sites, the occupants or agents to be reimbursed for the money thus expended as hereinafter provided.

"24. 6 May, 1895. The fee-simple title to certain real estate in the towns of Sitka and Kodiak was conferred under Rus-

sian rule upon certain individuals and the Greek Oriental Church and confirmed by the treaty concluded March 30, 1867, between the United States and the Emperor of Russia (15 Stat. at Large, 539); other real property is now held and occupied by the United States in several of the Alaska towns for school and other public purposes; while it is perhaps desirable that still other lots or blocks in those towns that take advantage of the provisions of said act should be reserved to meet the future requirements for school purposes, or as sites for Government buildings; therefore, such employee or employees of the Government as shall be designated or detailed for that purpose shall constitute a board whose duty it shall be, as soon as notified by the United States marshal that the duplicate receipt for the money deposited to defray the costs of a special survey of the exterior lines of such town site has been received by him, to go upon the land applied for and inquire into the title to the several private claims held therein under Russian conveyances, and to fix and determine the proper metes and bounds of the same, as originally granted and claimed at the date of our acquisition of said Territory. Such board will duly notify the present owners of said private claims both of their right to submit testimony and documents, either in person or by attorney, in support of their several claims, and of their right, within thirty days from receipt of notice of the conclusions of said board, to file an appeal therefrom, with said board, for transmission to this office. Should any one of such parties be dissatisfied with the decision of this office in such a case, he may still further prosecute an appeal to the Secretary of the Interior upon such terms as shall be prescribed in each individual case. Proper evidence of notice should be taken by said board in all cases, and a record of all testimony submitted to them should be kept. If an appeal is taken, the same, together with the decision of the board and all papers and evidence affecting the claims of the appellant, should be forwarded direct to this office. Should no appeal be taken, the report of the board should be filed with the United States marshal, ex officio surveyor-general, for his use and guidance as hereinafter directed.

"It shall also be the official duty of said board to approximately fix and determine the metes and bounds of all lots and blocks in any such town site now occupied by the Government

for school or other public purposes, and of all unclaimed lots or blocks which, in their judgment, should be reserved for school or any other purpose, and to make report of such investigations to the ex officio surveyor-general for his use and guidance, as also hereinafter directed, should no appeal be filed therefrom.

"Should an appeal from the action or decision of such board be filed in any case, no further action will be taken by the ex officio surveyor-general until the matter has been finally decided by this office or the Department. But should no appeal be filed, the ex officio surveyor-general will proceed to direct the survey of the outboundaries of the town site to be made, the same in all respects as above directed in the survey of land for trade and manufacturing purposes, except that he will accept the report and recommendations made by said board and exclude and accept, by metes and bounds, from the land so surveyed, all the lots and blocks for any purpose recommended to be accepted by said board. The execution of the survey of the lots and blocks thus accepted, shall be made a part of the duties of the surveyor who is deputized to survey the exterior lines of the town site; the survey of such lots or blocks shall be connected by course and distance with a corner of the town-site survey, and also fully described in the field notes of said survey and protracted upon the plat of said town site; and the limits of such lots or blocks will be permanently marked upon the ground in such manner as the ex officio surveyor-general shall direct. In forwarding the plat and field notes of the survey of any town site for the approval of this office, the ex officio surveyor-general will also forward any report that said board may have filed with him for approval in like manner."

EDW. A. BOWERS,
Acting Commissioner.

Approved February 17, 1896.
HOKE SMITH,
Secretary.

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25. When the plat and field notes of the survey of the outboundaries of any town site shall have been approved, and not before, by this office, the Secretary of the Interior will appoint one trustee to make entry of the tract so surveyed, in trust for

the occupants thereof, as provided by said act. The trustee having received his appointment, and qualified himself for duty by taking and subscribing the usual oath of office and executing the bond hereinafter required, will call upon the occupants of said town site for the triplicate receipt for the money deposited to meet the expenses of the survey thereof, and for the requisite amount of money necessary in addition to pay the Government for the land as surveyed, and other expenses incident to the entry thereof, keeping an accurate account thereof and giving his receipt therefor. And when realized from assessment and allotment, he will refund the same, taking evidence thereof to be filed with his report in the manner hereinafter directed. He will then file with the United States court commissioner for Sitka, who is ex officio register of the Sitka land office, a written notice, in due form, reciting the name of the party who will make the entry, the name and geographical location of the town site, the place and date of making proof, and the names of four witnesses by whom it is proposed to establish the right of entry. This notice will be published by said commissioner once a week for six consecutive weeks, at the applicant's expense, in a newspaper published in the town for which the entry is to be made, or nearest to the land applied for. Copies of said notice must also be posted in the office of the ex officio register and in a conspicuous place upon the land applied for, for thirty days next preceding the date of making proof. The required proof shall consist of the affidavits of the applicant and two of the published witnesses, and shall show: (1) the actual occupancy of the land for municipal purposes; (2) the number of inhabitants; (3) the character, extent, and value of town improvements; (4) the non-mineral character of the town site; (5) that said town site does not contain any land occupied by the United States for school or other public purposes, nor any land to which the title in fee was conferred under Russian rule and confirmed by the treaty of transfer to the United States, nor any land for which patents have been issued by the United States; (6) and proof of the publication and posting of notices for the required time, the same in all respects as is required by the ninth subdivision of paragraph 20 hereof. The proof being accepted and the certificate of entry issued by the ex officio register of the Sitka land office, the purchase price of the land should be paid to and receipted for by the clerk of the

district court, who is ex officio receiver of the Sitka land office, after which all the papers will be forwarded to this office, and if found to be complete and made in accordance with these instructions, patent will issue without delay. Cash certificate of entry (No. 4–189) will be used by the ex officio register in allowing all entries authorized by the law and these regulations, and said entries will be numbered consecutively beginning with number one. A protest against the allowance of a town-site entry will be heard, and the same permitted to be carried into a contest, in the same manner and under the same conditions as hereinbefore provided in the matter of applications to make entries for the purposes of trade and manufactures.

26. It is also made my duty to provide rules and regulations for the survey and platting of the town sites in Alaska into streets, alleys, blocks, and lots, or for the approval of such surveys as may already have been made by the inhabitants thereof, and for the conveyance of the lots and blocks to the occupants of said town sites, according to their respective interests. To accomplish the latter provision necessitates the careful consideration of a somewhat difficult problem, involving the right of the natives of Alaska, who constitute the larger part of the population of all the towns in said Territory, but who are not citizens of the United States, to receive title from the Government to the lots severally occupied and claimed by them.

Although the political status of these people remains yet to be determined by legislation, still, the fact that they are held amenable to all the laws made applicable to said Territory in which they have lived at peace with the white settlers for ages, that they far outnumber the citizen and foreign-born population of all those towns in which white men have settled, and that many of them have invested their earnings in property in those towns and are exercising peaceable and undisputed occupancy and right of possession over the same, I therefore deem it proper, in order to further encourage them in adopting civilized life and accepting and following the instruction and example of the teachers, missionaries, and all other right-thinking people who come among them, and equitable and just and within my power, to construe the language of section 2387, United States Revised Statutes, under which town-site entries are made "in trust for the several use and benefit of the occupants thereof, according to their respective interests," in the most liberal and

comprehensive sense and to the advantage of these natives. Therefore, the trustees of the several town sites entered in said Territory shall levy assessments upon the property either occupied or possessed by any native Alaskan the same as if he were a white man, and shall apportion and convey the same to him according to his respective interest, without regard to the question of citizenship. But, in case of white settlers, or associations or corporations, the trustees shall require the same evidence of citizenship or the right to hold real estate, as the case may be, as is required above of purchasers of land for purposes of trade or manufactures.

27. The entry having been made and forwarded to this office, the trustee will cause an actual survey of the lots, blocks, streets, and alleys of the town site to be made, conforming as near as in his judgment it is deemed advisable, to the original plan or survey of such town, making triplicate plats of said survey and designating upon each of said plats the lots occupied, together with the value of the same and the name of the owner or owners thereof; and in like manner he will designate thereon the lots occupied by any corporation, religious organization, or private or sectarian school. When the plats are finally completed, they will be certified to by him as follows:

I, the undersigned, trustee of the town site of ———, Alaska Territory, hereby certify that I have examined the survey of said town site and approved the foregoing plat thereof as strictly conformable to said survey made in accordance with the act of Congress approved March 3, 1891, and my official instructions.

One of said plats shall be filed in the land office in the district where the town site is located, one in the office of the Commissioner of the General Land Office, and one retained for his own use. The designation of an owner on such plats shall be temporary until final decision of record in relation thereto, and shall in no case be taken or held as in any sense or to any degree a conclusion or judgment by the trustee as to the true ownership in any contested case coming before him.

28. As soon as said plats are completed, the trustee will then cause to be posted in three conspicuous places in the town, a notice to the effect that such survey and platting have been completed and notifying all persons concerned or interested in such town site that on a designated day he will proceed to set off to the persons entitled to the same, according to their re-

spective interests, the lots, blocks, or grounds to which each occupant thereof shall be entitled under the provisions of said act. Such notices shall be posted at least fifteen days prior to the day set apart by the trustee for making such division and allotment. Proof of such notification shall be evidenced by the affidavit of the trustee, accompanied by a copy of such notice.

29. After such notice shall have been duly given, the trustee will proceed on the designated day, except in contest cases which shall be disposed of in the manner hereinafter provided, to set apart to the persons entitled to receive the same, the lots, blocks, and grounds to which each person, company or association of persons shall be entitled, according to their respective interests, including in the portion or portions set apart to each person, corporation, or association of persons, the improvements belonging thereto, and in so doing he will observe and follow as strictly as the platting of the town site will permit the rights of all parties to the property claimed by them as shown and defined by the records of the clerk of the district court of Alaska, who is ex officio recorder of deeds and mortgages and other contracts relating to real estate in said Territory.

30. After setting apart such lots, blocks, or parcels, and upon a valuation of the same as hereinbefore provided for, the trustee will proceed to determine and assess upon such lots and blocks according to their value, such rate and sum as will be necessary to pay all expenses incident to the townsite entry. In those cases in which there appears more than one claimant for any lot or block, the trustee will require each claimant to pay the assessment, and upon the final determination of the contest as hereinbefore provided for, the unsuccessful claimant or claimants will be reimbursed in a sum equal to the assessment paid by them, such reimbursements to be properly accounted for by the trustee. In making the assessments the trustee will take into consideration:

First. The reimbursement of the parties who deposited the money to pay the cost of surveying and platting the outboundaries of the town site, and who advanced such money as was necessary in addition to pay the purchase price of the land.

Second. The money expended in advertising and making proof and entry of the town site.

Third. The compensation of himself as trustee.

Fourth. The expenses incident to making the conveyances.

Fifth. All necessary traveling expenses and all other legitimate expenses incident to the expeditious execution of his trust.

More than one assessment may be made, if necessary, to effect the purposes of said act of Congress and these instructions. Upon receipt of the assessments the trustee will issue deeds for the uncontested lots, blank forms of conveyance being furnished by this office for that purpose.

31. His work having been completed to this point, the trustee will then, and not before, in cases where he finds two or more inhabitants claiming the same lot, block, or parcel of land, proceed to hear and determine the controversy, fixing a time and place for the hearing of the respective claims of the interested parties, giving each ten days' notice thereof, and a fair opportunity to present their interests in accordance with the principles of law and equity applicable to the case, observing as far as practicable the rules prescribed for contests before registers and receivers of the local offices; he will administer oaths to the witnesses, observe the rules of evidence as near as may be in making his investigations, and at the close of the case, or as soon thereafter as his duties will permit, render a decision in writing. If the notice herein provided for can not be personally served upon the party therein named within three days from its date, such service may be made by a printed notice published for ten days in a newspaper in the town in which the lot to be affected thereby is situated; or, if there is none published in such town, then said notice may be printed in any newspaper published in the Territory. Copies of such notice should also be posted upon the lot in controversy and in at least three other conspicuous places in the town wherein said lot is situated. The proof of such publication and posting of notices to be filed with the record, may be made as provided in these rules and regulations in other cases. The proceedings in these contests should be abbreviated in time and words or the work may not be completed within the limits of any reasonable period of time or expense.

Before proceeding to dispose of the contested cases, the trustee will require each claimant to deposit with him each

morning a sum sufficient to cover and pay all costs and expenses on such proceedings for that day. At the close of the contest, on appeal or otherwise, the sum deposited by the successful party shall be returned to him, but that deposited by the losing party shall be retained and accounted for by said trustee.

32. Any person feeling aggrieved by the decision of the trustee may, within ten days after notice thereof, appeal to the Commissioner of the General Land Office, under the rules (except as to time) as provided for appeals from the opinions of registers and receivers, and if either party is dissatisfied with the conclusions of said Commissioner in the case, he may still further prosecute an appeal within ten days from notice thereof to the Secretary of the Interior, upon like terms and conditions and under the same rules that appeals are now regulated by and taken in adversary proceedings from the Commissioner to the Secretary, except as modified by the time within which the appeal is to be taken. All costs in such proceedings will be governed by the rules now applicable to contests before the local land offices.

33. The trustee shall receive and pay out all money provided for in these instructions, subject to the supervision of this office, and he shall keep a correct record of his proceedings, and an accurate account of all money received and disbursed by him, taking and filing proper vouchers therefor, in the manner hereinafter provided; and before entering upon duty he shall, in addition to taking the official oath, also enter into a bond to the United States in the penal sum of five thousand dollars ($5,000), for the faithful discharge of his duties, both as now prescribed and furnished by the Department of the Interior.

34. All lots remaining unoccupied and unclaimed when the trustee shall have made his allotments and assessments will be sold at public outcry, for cash, to the highest bidder. The proceeds of such sales, together with any balance remaining in the hands of the trustee to the credit of the town-site occupants, to be expended, under the direction of the Secretary of the Interior, for the benefit of the town.

35. All payments by the occupants of any town site for any of the purposes above named, except the survey of the outboundaries of the land so entered, shall be in cash, and

made only to the trustee thereof, who shall make duplicate receipts for all money paid him, one to be given the party making the payment, and the other to be forwarded to this office with the trustee's papers and accounts. Said trustee shall also take receipts for all money disbursed by him, and be held strictly accountable by this office, under his bond, for the proper handling of the trust funds in his possession.

36. The trustee of any town site in said Territory will be allowed compensation at the rate of $5 per day for each day actually engaged and employed in the performance of his duties as such trustee, and his necessary traveling expenses.

37. The trustee's duties herein prescribed having been completed, the account of all his expenses and expenditures, together with a record of his proceedings and a list of the lots to be sold at public sale, as hereinbefore provided, with all papers in his possession, and all evidence of his official acts, shall be transmitted to this office to become a part of the records hereof, excepting from such papers, however, the sub-divisional plat of the town site, which he shall deliver to the clerk of the district court, to be made of record and placed on file in his office as ex officio recorder of deeds, mortgages and other contracts relating to real estate in the Territory of Alaska.

It is believed that the foregoing regulations, together with copies of the laws, rules and regulations, referred to therein, will be found sufficient for the proper determination of all cases that may arise, but, should unforeseen difficulties present themselves, the same should be submitted for special instructions.

T. H. CARTER,
Commissioner.

The General Land Office,
Department of the Interior.
Approved, June 3, 1891.

GEO. CHANDLER,
Acting Secretary.

PART IV.

NORTHWEST TERRITORY AND MANITOBA.

YUKON DISTRICT, REGULATIONS FOR PLACER MINING. SASKATCHEWAN DISTRICT, REGULATIONS FOR PLACER MINING.

ACT OF NOVEMBER 9TH, 1889, WHICH INCLUDES THE GENERAL MINING LAW OF THE DOMINION. DREDGING OF RIVERS, COAL LANDS FOR DOMESTIC PURPOSES.

PART 4.

NORTHWEST TERRITORY AND MANITOBA.

YUKON PLACER MINING REGULATIONS GOVERNING PLACER MINING ALONG THE YUKON RIVER AND ITS TRIBUTARIES IN THE NORTHWEST TERRITORIES.

(Approved by Order in Council No. 1189, of 21st May, 1897, as Amended.)

INTERPRETATION.

"Bar diggings" shall mean any part of a river over which the water extends when the water is in its flooded state, and which is not covered at low water.

Mines on benches shall be known as "bench diggings" and shall for the purpose of defining the size of such claims be excepted from dry diggings.

"Dry diggings" shall mean any mine over which a river never extends.

"Miner" shall mean a male or female over the age of eighteen but not under that age.

"Claim" shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.

"Legal post" shall mean a stake standing not less than four feet above the ground and squared on four sides for at least one foot from the top. Both sides so squared shall measure at least four inches across the face. It shall also mean any stump or tree cut off and squared or faced to the above height and size.

"Close season" shall mean the period of the year during

which placer mining is generally suspended. The period to be fixed by the Gold Commissioner in whose district the claim is situated.

"Locality" shall mean the territory along a river (tributary of the Yukon River) and its affluents.

"Mineral" shall include all minerals whatsoever other than coal.

NATURE AND SIZE OF CLAIMS.

1. "Bar diggings," a strip of land 100 feet wide at high-water mark, and thence extending into the river to its lowest water level.

2. The sides of a claim for bar digging shall be two parallel lines run as nearly as possible at right angles to the stream and shall be marked by four legal posts, one at each end of the claim at or about high-water mark, also one at each end of the claim at or about the edge of the water. One of the posts at high-water mark shall be legibly marked with the name of the miner and the date upon which the claim was staked.

3. Dry diggings shall be 100 feet square and shall have placed at each of its four corners a legal post upon one of which shall be legibly marked the name of the miner and the date upon which the claim was staked.

4. 7 August, 1897. Creek and river claims shall be 100 feet long measured in the direction of the general course of the stream, and shall extend in width from base to base of the hill or bench on each side, but when the hills or benches are less than 100 feet apart, the claim may be 100 feet in depth. The sides of a claim shall be two parallel lines run as nearly as possible at right angles to the stream. The sides shall be marked with legal posts at or about the edge of the water and at the rear boundaries of the claim. One of the legal posts at the stream shall be legibly marked with the name of the miner and the date upon which the claim was staked.

5. A Bench claim shall be 100 feet square, and shall have placed at each of its four corners a legal post upon which shall be legibly marked the name of the miner and the date upon which the claim was staked.

6. Entry shall only be granted for alternate claims, the other alternate claims being reserved for the Crown to be dis-

posed of at public auction, or in such manner as may be decided by the Minister of the Interior.

The penalty for trespassing upon a claim reserved for the Crown shall be immediate cancellation by the Gold Commissioner of any entry or entries which the person trespassing may have obtained, whether by original entry or purchase, for a mining claim, and the refusal by the Gold Commissioner of the acceptance of any application which the person trespassing may at any time make for a claim. In addition to such penalty, the Mounted Police, upon a requisition from the Gold Commissioner to that effect, shall take the necessary steps to eject the trespasser.

7. In defining the size of claims they shall be measured horizontally irrespective of inequalities on the surface of the ground.

8. 7 August, 1897. If any person or persons shall discover a new mine and such discovery shall be established to the satisfaction of the Gold Commissioner a creek and river claim 200 feet in length may be granted.

A new stratum of auriferous earth or gravel situated in a locality where the claims are abandoned shall for this purpose be deemed a new mine, although the same locality shall have been previously worked at a different level.

9. The forms of application for a grant for placer mining and the grant of the same shall be those contained in forms "H" and "I" in the schedule hereto.

10. A claim shall be recorded with the Gold Commissioner in whose district it is situated within three days after the location thereof if it is located within ten miles of the Commissioner's office. One extra day shall be allowed for making such record for every additional ten miles or fraction thereof.

11. In the event of the absence of the Gold Commissioner from his office, entry for a claim may be granted by any person whom he may appoint to perform his duties in his absence.

12. Entry shall not be granted for a claim which has not been staked by the applicant in person in the manner specified in these regulations. An affidavit that the claim was staked out by the applicant shall be embodied in form "H" of the schedule hereto.

13. 7 August, 1897. An entry fee of $15.00 shall be charged

the first year, and an annual fee of $10.00 for each of the following years. This provision shall apply to locations for which entries have already been granted.

14. A royalty of ten per cent on the gold mined shall be levied and collected by officers to be appointed for the purpose, provided the amount so mined and taken from a single claim does not exceed five hundred dollars per week. In case the amount mined and taken from any single claim exceeds five hundred dollars per week, there shall be levied and collected a royalty of ten per cent upon the amount so taken out up to five hundred dollars, and upon the excess, or amount taken from any single claim over five hundred dollars per week, there shall be levied and collected a royalty of twenty per cent, such royalty to form part of the Consolidated Revenue, and to be accounted for by the officers who collect the same in due course. The time and manner in which such royalty shall be collected, and the persons who shall collect the same shall be provided for by regulations to be made by the Gold Commissioner.

Default in payment of such royalty, if continued for ten days after notice has been posted upon the claim in respect of which it is demanded, or in the vicinity of such claim, by the Gold Commissioner or his agent, shall be followed by cancellation of the claim. Any attempt to defraud the Crown by withholding any part of the revenue thus provided for, by making false statements of the amount taken out, shall be punished by cancellation of the claim in respect of which fraud or false statements have been committed or made. In respect of the facts as to such fraud or false statements or non-payment of royalty, the decision of the Gold Commissioner shall be final.

15. After the recording of a claim the removal of any post by the holder thereof or by any person acting in his behalf for the purpose of changing the boundaries of his claim shall act as a forfeiture of the claim.

16. The entry of every holder of a grant for placer mining must be renewed and his receipt relinquished and replaced every year, the entry fee being paid each time.

17. No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase, and any number of miners

may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the Gold Commissioner and a fee of five dollars paid for each registration.

18. Any miner or miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with, and a fee of two dollars paid to the Gold Commissioner, who shall thereupon give the assignee a certificate in form J in the schedule hereto.

19. Every miner shall during the continuance of his grant have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom, upon which, however, the royalty prescribed by clause 14 of these Regulations shall be payable; but he shall have no surface rights therein; and the Gold Commissioner may grant to the holders of adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable. He may also grant permits to miners to cut timber thereon for their own use, upon payment of the dues prescribed by the regulations in that behalf.

20. Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the Gold Commissioner be necessary for the due working thereof; and shall be entitled to drain his own claim free of charge.

21. A claim shall be deemed to be abandoned and open to occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof or by some person on his behalf for the space of *seventy-two hours unless sickness or other reasonable cause be shown to the satisfaction of the Gold Commissioner or unless the grantee is absent on leave given by the Commissioner, and the Gold Commissioner upon obtaining evidence satisfactory to himself, that this provision is not being complied with may cancel the entry given for a claim.

22. If the land upon which a claim has been located is not

*72 hours means 3 consecutive days of 24 hours each.

the property of the Crown it will be necessary for the person who applied for entry to furnish proof that he has acquired from the owner of the land the surface rights before entry can be granted.

23. If the occupier of the lands has not received a patent therefor, the purchase money of the surface rights must be paid to the Crown, and a patent of the surface rights will issue to the party who acquired the mining rights. The money so collected will either be refunded to the occupier of the land, when he is entitled to a patent therefor, or will be credited to him on account of payment for land.

24. When the party obtaining the mining rights to lands cannot make an arrangement with the owner or his agent or the occupant thereof for the acquisition of the surface rights, it shall be lawful for him to give notice to the owner or his agent or the occupier to appoint an arbitrator to act with another arbitrator named by him, in order to award the amount of compensation to which the owner or occupant shall be entitled. The notice mentioned in this section shall be according to a form to be obtained upon application from the Gold Commissioner for the district in which the lands in question lie, and shall, when practicable, be personally served on such owner, or his agent if known, or occupant; and after reasonable efforts have been made to effect personal service, without success, then such notice shall be served by leaving it at, or sending by registered letter to, the last place of abode of the owner, agent or occupant. Such notice shall be served upon the owner or agent within a period to be fixed by the Gold Commissioner before the expiration of the time limited in such notice. If the proprietor refuses or declines to appoint an arbitrator, or when for any other reason no arbitrator is appointed by the proprietor in the time limited therefor in the notice provided for by this section, the Gold Commissioner for the district in which the lands in question lie, shall, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant willfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent or occupant, appoint an arbitrator on his behalf.

25. (*a.*) All the arbitrators appointed under the authority of these regulations shall be sworn before a Justice of the Peace to the impartial discharge of the duties assigned to them, and they shall forthwith proceed to estimate the reasonable damages which the owner or occupants of such lands, according to their several interests therein, shall sustain by reason of such prospecting and mining operations.

(*b.*) In estimating such damages, the arbitrators shall determine the value of the land irrespectively of any enhancement thereof from the existence of minerals therein.

(*c.*) In case such arbitrators cannot agree, they may select a third arbitrator, and when the two arbitrators cannot agree upon a third arbitrator the Gold Commissioner for the district in which the lands in question lie shall select such third arbitrator.

(*d.*) The award of any two such arbitrators made in writing shall be final, and shall be filed with the Gold Commissioner for the district in which the lands lie.

If any cases arise for which no provision is made in these regulations, the provisions of the regulations governing the disposal of mineral lands other than coal lands approved by His Excellency the Governor in Council on the 9th of November, 1889, shall apply. See Act of 9 Nov. 1889. See Post page 128.

FORM H.—APPLICATION FOR GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT.

I (or we), of hereby apply, under the Dominion Mining Regulations, for a grant of a claim for placer mining as defined in the said regulations, in (here describe locality) and I (or we) solemnly swear:—

1. That I (or we) have discovered therein a deposit of (here name the metal or mineral)

2. That I (or we) am (or are) to the best of my (or our) knowledge and belief, the first discoverer (or discoverers) of the said deposit; or:—

3. That the said claim was previously granted to (here

name the last grantee), but has remained unworked by the said grantee for not less than

4. That I (or we) am (or are) unaware that the land is other than vacant Dominion land.

5. That I (or we) did, on the day of mark out on the ground, in accordance in every particular with the provisions of the mining regulations for the Yukon River and its tributaries, the claim for which I (or we) make this application, and that in so doing I (or we) did not encroach on any other claim or mining location previously laid out by any other person.

6. That the said claim contains, as nearly as I (or we) could measure or estimate, an area of square feet, and that the description (and sketch if any) of this date hereto attached, signed by me (or us) sets (or set) forth in detail, to the best of my (or our) knowledge and ability, its position, form and dimensions.

7. That I (or we) make this application in good faith, to acquire the claim for the sole purpose of mining, to be prosecuted by myself (or us) or by myself and associates, or by my (or our) assigns.

Sworn before me at this day of 18 .

(Signature.)

FORM I.—GRANT FOR PLACER MINING.

No.....

Department of the Interior,
Agency, 18

In consideration of the payment of the fee prescribed by clause 13 of the Mining Regulations for the Yukon River and its tributaries, by (A. B.) of , accompanying his (or their) application No. , dated , 18 , for a mining claim in (here insert description of locality).

The Minister of the Interior hereby grants to the said (A. B.) , for the term of one year from the date hereof, the exclusive right of entry upon the claim (here describe in detail the claim granted) for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom, upon

which, however, the royalty prescribed by clause 14 of the Regulations shall be paid.

The said (A. B.) shall be entitled to the use of so much of the water naturally flowing through or past his (or their) claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain his (or their) claim, free of charge.

This grant does not convey to the said (A. B.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said (A. B.) or his (or their associates.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Gold Commissioner.

FORM J.—CERTIFICATE OF THE ASSIGNMENT OF A PLACER MINING CLAIM.

No.....

Department of the Interior.

Agency, 18

This is to certify that (B. C.) of has (or have) filed an assignment in due form dated 18 , and accompanied by a registration fee of two dollars, of the grant to (A. B.) of of the right to mine in (insert description of claim) for one year from the 18 .

This certificate entitles the said (B. C.) to all the rights and privileges of the said (A. B.) in respect of the claim assigned, that is to say, to the exclusive right of entry upon the said claim for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom (upon which, however, the royalty prescribed by clause 14 of the Regulations shall be paid), for the remaining portion of the year for which the said claim was granted, to the said (A. B.) , that

is to say, until the day of 18 .

The said (B. C.) shall be entitled to the use of so much of the water naturally flowing through or past his (or their) claim and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain the claim free of charge.

This grant does not convey to the said (B. C.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously, and in good faith, worked by the said (B. C.) or his (or their) associates.

The rights hereby granted are those laid down in the Dominion Mining Regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Gold Commissioner.

SASKATCHEWAN PLACER MINING REGULATIONS GOVERNING PLACER MINING ALONG THE NORTH SASKATCHEWAN RIVER, NORTH-WEST TERRITORY.

Approved by Order in Council, 17th April, 1897.

Whereas it is represented that the Regulations governing the disposal of placer mining claims, established by Order of the Governor-General in Council on the 9th of November, 1889, have not operated satisfactorily in the disposal of mining locations on the North Saskatchewan River, in the North-west Territories.

His Excellency in virtue of the provisions of "The Dominion Lands Act," Chapter 54 of the Revised Statutes of Canada, and by and with the advice of the Queen's Privy Council for Canada, is pleased to order that the following regulations for the disposal and governance of placer mining claims along the North Saskatchewan River, in the Northwest Territories, shall be and the same are hereby adopted and established.

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

INTERPRETATION.

"Bar Diggings" shall mean any part of a river over which the water extends when the river is in its flooded state, and which is not covered at low water.

"Bench Claim" shall mean a part of the present bank of the river overlying a portion of what was originally a gravel bar in the river, and shall include "bar diggings."

"Legal Post" shall mean a stake standing not less than four feet above the ground and squared on four sides for at least one foot from the top. Both sides so squared shall measure at least four inches across its face. It shall also mean any stump or tree cut off and squared or faced to the above height and size.

"Close Season" shall mean the period of the year during which placer mining is generally suspended. The period to be fixed by the Agent of Dominion Lands in whose district a mining location is situated.

"Locality" shall mean a stretch of river within ten miles from any point on the river.

"Mineral" shall include all minerals whatsoever other than coal.

NATURE AND SIZE OF CLAIMS.

For "bar diggings" a strip of land 100 feet along high water mark, and thence extending into the river to the lowest water level.

"Bench claims" shall be 100 feet along high water mark and shall extend forward to low water mark and back to the bank of the valley. Provided, however, that if the distance from high water mark to the bank of the valley exceeds 1,000 feet the length of the claim shall be confined to that number of feet.

Entry may be obtained for a "bar digging" or a bench claim upon complying with the following regulations:

1. Any person who desires to work "bar diggings" may upon payment of a fee of $1.00 to the Agent of Dominion Lands, obtain a Free Miner's certificate upon form "A" in the schedule to these regulations. This certificate will entitle the holder thereof to stake out "bar diggings" at any time

in accordance with the provisions of these regulations, and work the same without further reference to the Agent. It will be necessary, however, for the holder of the certificate to comply with the provisions of these regulations as to working the claim.

2. A "bench claim" shall be recorded with the Agent of Dominion Lands in whose district it is situated within three days after the location thereof, if it is located within 10 miles of the Agent's office. One extra day shall be allowed for making such record for every additional ten miles or fraction thereof.

3. An entry fee of $5.00 shall be charged and the entry will be good for one year from the date thereof.

4. The sides of a claim for a "bar digging" shall be two parallel lines run as nearly as possible at right angles to the stream and shall be marked by four legal posts one at each end of the claim at or about high water mark, also one at each end of the claim at or about the edge of the water. One of the posts at high water mark shall be legibly marked with the name of the miner and the date upon which the claim was staked.

5. The sides of a bench claim shall be parallel lines running as nearly as possible at right angles to the stream, and shall be marked by six legal posts, one at each side of the claim at or about low and high water marks, also one at each end of the claim upon the rear boundary thereof.

6. The boundaries of a claim beneath its surface shall be the vertical planes in which its surface boundaries lie.

7. Every claim shall be represented and bona fide worked by the holder thereof or by some person on his behalf, continuously, as nearly as practicable, during working hours, and shall be deemed to be abandoned and absolutely forfeited when it shall remain unworked on working days by the holder thereof or some person on his behalf for a period of seventy-two hours, except during the close season, lay over or leave of absence, or during sickness, or for some other reasonable cause which shall be shown to the satisfaction of the Agent of Dominion Lands.

8. If a claim is not being worked in a bona fide manner, the Agent of Dominion Lands shall upon obtaining evidence to that effect satisfactory to himself, cancel the entry given for the location.

9. Any party of miners not exceeding four whose claims are adjoining may for the better development of their claims and upon being authorized to do so by the Agent, work any one of the claims, and the work performed thereon shall be accepted as being done on each claim.

10. When steam power is employed continuously for dredging for bar or bench claims, these claims may be 200 feet in width, but they shall be the same length as already prescribed.

11. Miners holding two or four adjoining claims may for the purpose of operating them by steam power combine and work one of the claims and the work thereon will be sufficient to hold the remainder subject to the bona fide working of the claim in the manner already provided by these regulations. Provided that an agreement between the parties concerned is filed with the Agent of Dominion Lands and his consent to the agreement is obtained. The agreement shall provide that the owner of each location or his representative shall be employed in the work performed upon the claims. Provided also that the Agent of Dominion Lands shall be furnished from time to time with such particulars as he may require in relation to the operation of the claims.

12. When claims are to be operated by steam power the Agent may give a period of sixty days from the date of recording the claim, to place machinery on the ground and to commence operations.

13. The forms of application for a grant for placer mining, and the grant of the same, shall be those contained in forms H. and I. in the schedule hereto.

14. The entry of every holder of a grant for placer mining, except in the cases provided for in section one of these regulations, must be renewed and his receipt relinquished and replaced every year, the entry fee being paid each time.

15. No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase or assignment.

16. Any miner or miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with and a fee of two dollars paid to the Agent, who shall thereupon give the assignee a certificate in form J in the schedule hereto.

17. Every miner shall, during the continuance of his

grant, have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom; but he shall have no surface rights therein, unless acquired by purchase; and the Superintendent of Mines may grant to the holders of adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable.

18. Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the Superintendent of Mines, be necessary for the due working thereof, and shall be entitled to drain his own claim free of charge.

19. If the land upon which a "bench claim" has been located is not the property of the Crown it will be necessary for the person who applies for entry to furnish proof that he has acquired from the owner of the land the surface rights before entry can be granted.

20. If the occupier of the lands has not received a patent therefor, the purchase money of the surface rights must be paid to the Crown, and a patent of the surface rights will issue to the party who acquired the mining rights. The money as collected will either be refunded to the occupier of the land, when he is entitled to a patent therefor, or will be credited to him on account of payment for land.

21. When the party obtaining the mining rights to lands cannot make an arrangement with the owner or his agent or the occupant thereof for the acquisition of the surface rights, it shall be lawful for him to give notice to the owner or his agent or the occupier to appoint an arbitrator to act with another arbitrator named by him, in order to award the amount of compensation to which the owner or occupant shall be entitled. The notice mentioned in this section shall be according to a form to be obtained upon application from the Agent of Dominion Lands for the district in which the lands in question lie, and shall, when practicable, be personally served on such owner, or his agent if known, or occupant; and after reasonable efforts have been made to effect personal service, without success, then such notice shall be served by

leaving it at, or sending by registered letter to, the last place of abode of the owner, agent or occupant. Such notice shall be served, if the owner or agent resides in the district in which the land is situated, ten days, if out of the district and within the Province, twenty days, and if out of the Province, thirty days, before the expiration of the time limited in such notice. If the proprietor refuses or declines to appoint an arbitrator, or when, for any other reason, no arbitrator is appointed by the proprietor in the time limited therefor in the notice provided for by this section, the Agent of Dominion Lands for the district in which the lands in question lie, shall, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant wilfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent or occupant, appoint an arbitrator on his behalf.

22 (*a.*) All the arbitrators appointed under the authority of these regulations shall be sworn before a Justice of the Peace to the impartial discharge of the duties assigned to them; and they shall forthwith proceed to estimate the reasonable damages which the owners or occupants of such lands, according to their several interests therein, shall sustain by reason of such prospecting and mining operations.

(*b.*) In estimating such damages, the arbitrators shall determine the value of the land irrespectively of any enhancement thereof from the existence of minerals therein.

(*c.*) In case such arbitrators cannot agree, they may select a third arbitrator, and when the two arbitrators cannot agree upon a third arbitrator the Agent of Dominion Lands for the district in which the lands in question lie shall select such third arbitrator.

(*d.*) The award of any two such arbitrators made in writing shall be final, and shall be filed with the Agent of Dominion Lands for the District in which the lands lie.

23. If any cases arise for which no provision is made in these regulations, the provisions of the regulations governing the disposal of mineral lands other than coal lands approved by His Excellency the Governor in Council on the 9th of November, 1889, shall apply. See act of 9 Nov. 1889. Post page 128.

LEASES.

A lease for five years may be granted to dredge the bed of the river below low-water mark for a distance not exceeding five miles upon such terms as His Excellency the Governor in Council may designate. Provided that any person who may receive entry under these regulations shall be entitled to run tailings into the river at any point thereon, also to mine two feet below the surface of the water at low water mark by putting in wing-dams whether he shall locate before or after the date of such lease.

"A."

FREE MINERS' CERTIFICATE.

This is to certify that of has paid me this day the sum of one dollar, and is entitled to all rights and privileges of a free miner provided for in Section 1 of the regulations governing placer mining along the North Saskatchewan River in the Northwest Territories.

.....

Agent of Dominion Lands.

SCHEDULE TO MINING REGULATIONS.

Form H.—Application for grant for placer mining and affidavit of applicant.

I, (or we) of hereby apply, under the Dominion Mining Regulations, for a grant of a claim for placer mining as defined in the said regulations, in (Here describe locality.)

and I (or we) solemnly swear:—

1. That I (or we) have discovered therein a deposit of (here name the metal or mineral).

2. That the said claim was previously granted to (here name the last grantee), but has remained unworked by the said grantee for not less than

3. That I (or we) am (or are) unaware that the land is other than vacant Dominion Land.

4. That I (or we) did on the day of

mark out on the ground, in accordance in every particular with the provisions of clause of the said mining regulations, the claim for which I (or we) make this application, and that in so doing I (or we) did not encroach on any other claim or mining location previously laid out by any other person.

5. That the said claim contains, as nearly as I (or we) could measure or estimate, an area of square feet, and that the description (and sketch if any) of this date hereto attached, signed by me (or us), sets (or set) forth in detail, to the best of my (or our) knowledge and ability, its position, form and dimensions.

6. That I (or we) make this application in good faith, to acquire the claim for the sole purpose of mining, to be prosecuted by myself (or us), or by myself and associates, or by my (or our) assigns.

Sworn before me at this day of , 18 .

(Signature.)

FORM I.—GRANT FOR PLACER MINING.

No.....

Department of the Interior,
Dominion Lands Office,
Agency, 18 .

In consideration of the payment of five dollars, being the fee required by the provisions of the Dominion Mining Regulations, clause three, by (A. B.) of , accompanying his (or their) application No....., dated 18 , for a mining claim in (here insert description of locality).

The Minister of the Interior hereby grants to the said (A. B.) , for the term of one year from the date hereof, the exclusive right of entry upon the claim (here describe in detail the claim granted) for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom.

The said (A. B.) shall be entitled to the use of so much of the water naturally flowing through or past his (or their) claim, and not already lawfully appropriated,

as shall be necessary for the due working thereof, and to drain his (or their) claim free of charge.

This grant does not convey to the said (A. B.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said (A. B.) or his (or their) associates.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

.....

Agent of Dominion Lands.

Note.—The wording of this form may be changed when the surface rights have been acquired by the applicant.

Form J.—Certificate of the assignment of a placer mining claim.

No. .....

Department of the Interior,
Dominion Lands Office,

AGENCY, 18 .

This is to certify that (B. C.) of has (or have) filed an assignment in due form dated 18 , and accompanied by a registration fee of two dollars, of the grant of (A. B.) of of the right to mine in (insert description of claim) for one year from the 18 .

This certificate entitles the said (B. C.) to all the rights and privileges of the said (A. B.) in respect of the claim assigned, that is to say, to the exclusive right of entry upon the said claim for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom, for the remaining portion of the year for which the said claim was granted to the said (A. B.) that is to say, until the day of 18 .

The said (B. C.) shall be entitled to the use of so much of the water naturally flowing through or past his (or their) claim and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain the claim free of charge.

This grant does not convey to the said (B. C.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously, and in good faith, worked by the said (B. C.) or his (or their) associates.

The rights hereby granted are those laid down in the Dominion Mining Regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

.....

Agent of Dominion Lands.

Note.—The wording may be changed if the applicant has acquired the surface rights.

N. B. Special attention is called to the following provision contained in the regulations above stated, to wit: "That if any cases arise for which no provision is made in these regulations, the provisions of the regulations governing the disposal of mineral lands other than coal lands approved by His Excellency the Governor, in Council, on the 9th of November, 1889, shall apply."

The following is the Act of November 9, 1889, above referred to, and is the General Dominion Mining Law, subject only to the aforesaid special regulations applicable to the placers of the said Yukon and Saskatchewan Districts.

REGULATIONS GOVERNING THE DOMINION LANDS CONTAINING MINERALS.

ACT OF NOVEMBER 9, 1889, CHAPTER 99. On the recommendation of the Minister of the Interior and under the provisions of Chapter 54 of the Revised Statutes of Canada, (entitled) The Dominion Land Act, His Excellency in Council has been pleased to order that the following regulations governing the disposal of Dominion Lands, containing minerals other than coal, in Manitoba and the Northwest Territories, be approved and adopted.

1. These Regulations shall be applicable to all Dominion Lands, with the exception of those situated in the Province

of British Columbia, containing gold, silver, cinnabar, lead, tin, copper, iron, or other mineral deposit of economic value, with the exception of coal.

2. Any person or persons may explore vacant Dominion Lands not appropriated or reserved by Government for other purposes, and may search therein, either by surface or subterranean prospecting, for mineral deposits, with a view to obtaining under these Regulations a mining location for the same; but no mining location or mining claim shall be granted until actual discovery has been made of the vein, lode or deposit, of mineral or metal within the limits of the location or claim.

I.—QUARTZ MINING.

3. A location for mining, except for iron and mica, on veins, lodes or ledges of quartz or other rock in place, shall not exceed the following dimensions: Its length shall not be more than 1,500 feet, its breadth not more than 600 feet; its surface boundaries shall be four straight lines and the side lines and end lines shall be parallel lines, except where prior locations may prevent, in which case it may be of such shape as may be approved by the Superintendent of Mines. Its length shall not be more than three times its breadth. Its boundaries beneath the surface shall be the vertical planes in which its surface boundaries lie.

4. Any person having discovered a mineral deposit may obtain a mining location therefor, under these Regulations, in the following manner:

(*a.*) He shall mark the location on the ground by placing at each of its four corners a wooden post, not less than four inches square, driven not less than eighteen inches into the ground, and showing that length above it. If the ground be too rocky to admit of so driving such posts, he shall build about each of them, to support it and keep it in place, a cairn or mound of stones, at least three feet in diameter at the base, and eighteen inches high. If the location be timbered, a line shall be run and well blazed joining the said posts. If it be not so timbered, and the ground is of such a nature that any one post cannot be seen from the ends of either of the lines which form the angle at which the said post is placed, posts flattened on two sides (such flattened portions facing the directions of the line) shall

be planted or mounded along the side lines wherever necessary, so that no difficulty may be experienced by a subsequent prospector or explorer in discovering or following the boundaries of any location. If the location be laid out with its boundaries due north and south and east and west, then he shall mark on the post designating the northeast angle of the location, legibly with a cutting instrument, or with colored chalk, his name in full, the date of such marking, and the letters M. L. No. 1, to indicate that the post is mining location post No. 1. Proceeding next to the southeasterly angle of the location, he shall mark the post planted there with the letters M. L. No. 2, and his initials; next to the southwesterly angle of the location, the post planted at which he shall mark with the letters M. L. No. 3, and his initials; and lastly, to the northwesterly angle of the location, the post planted at which he shall mark with the letters M. L. No. 4, and his initials. If the location be laid by other than due north and south and east and west lines, the first mentioned post shall be the one at the northerly angle; the second the one at the easterly angle; the third the one at the southerly angle; and the fourth the one at the westerly angle. Furthermore, on the face of each post which face shall in the planting thereof be turned towards the post which next follows it in the order in which they are named and numbered, there shall be marked in figures the number of yards distant to the next following post. If means of measurement are not available, the distance to be so marked on each of the posts may be that estimated. If the corner of a location falls in a ravine, bed of a stream, or any other situation where the character of the locality may render the planting of a post impossible, the said corner may be indicated by the erection at the nearest suitable point of a witness post, which in that case shall contain the same marks as those prescribed in this clause in regard to corner posts, together with the letters W. P., and an indication of the bearing and distance of the site of the true corner from such witness post.

(In this manner any subsequent prospector, informed of the Regulations, will, on finding any one of the posts or mounds, be enabled to follow them all round, from one to another, and avoid encroachment, either in search of or in marking out another location in the vicinity for himself.)

(*b*) Having so marked out on the ground the location he de-

sires, the claimant shall, within sixty days thereafter, file with the Agent in the Dominion Lands Office for the district in which the location is situate, a declaration under oath, according to form A in the schedule to these Regulations (which may be sworn to before the said Agent, or may have been previously sworn to before a Justice of the Peace or Commissioner), setting forth the circumstances of his discovery, and describing, as nearly as may be, the locality and dimensions of the location marked out by him as aforesaid; and shall, along with such declaration, pay to the said Agent an entry fee of five dollars.

(*c*) The Agent upon such payment being made shall grant a receipt according to the form B in the schedule to these Regulations. This receipt shall authorize the claimant, his legal representatives or assignees, to enter into possession of the location applied for, and, subject to its renewal from year to year as hereinafter provided, during the term of five years from its date, to take therefrom and dispose of any mineral deposit contained within its boundaries: Provided that during each of the said five years after the date of such receipt he or they shall expend in actual mining operations on the claim at least one hundred dollars, and furnish to the Agent of Dominion Lands within each and every year a full detailed statement of such expenditure, which evidence shall be in the form of an affidavit corroborated by two reliable and disinterested witnesses; and the Agent shall thereupon, subject to the payment by the claimant of a fee of five dollars, issue a receipt in the form C in the schedule hereto, which shall entitle the claimant to hold the location for another year.

(*d*) Any party of miners, not exceeding four, whose claims are adjoining, and each of which has been entered within a period of three months, may, for the better development of their locations, and upon being authorized to do so by the Agent, make upon any one of such locations, during the first and second years after entry, but not subsequently, the expenditure required by these Regulations to be made upon each of the said locations. The authority herein provided for shall be in the form D in the schedule hereto, and shall be granted by the Agent upon application made in writing to that effect by each of the claimants interested, and payment of a fee of five dollars, upon which payment the Agent shall also grant a receipt in the form E in the schedule hereto: Provided, however, that the

penditure made upon any one location shall not be applicable any manner or for any purpose to any other location.

5. At any time before the expiry of five years from the date his entry for his mining location, the claimant shall be enled to purchase the said location upon filing with the Agent oof that he has expended not less than five hundred dollars actual mining operations on the same, and that he has in ery other respect complied with the requirements of these gulations.

6. The price to be paid for a mining location shall be at the e of five dollars per acre, cash.

7. On making the application to purchase a mining location, d paying the price therefor, as hereinbefore provided, the imant shall also deposit with the Agent the sum of fifty llars, which shall be deemed payment by him to the Governnt for the survey of his location: and upon the receipt of the ns and field notes, and the approval thereof by the Surveyoreneral, a patent shall issue to the claimant in the form F in schedule hereto. If, on account of its remoteness or other ise, a mining location cannot, at the time of the deposit of y dollars by the applicant for the purpose, be surveyed by Government for that sum, he shall be subject to the alterive of waiting until the employment of a surveyor by the vernment on other work in the vicinity of the claim renders convenient to have the survey made at a cost not exceeding y dollars, or of sooner procuring, at his own cost, its survey a duly commissioned surveyor of Dominion Lands, under tructions from the Surveyor-General: in the latter case, on eipt of the plans and field notes of the survey and approval reof by the Surveyor General, as hereinbefore provided, the imant shall be entitled to receive his patent, and to have rened to him the fifty dollars deposited by him to defray the t of survey.

8. Should the claimant, or his legal representatives as afored, fail to prove within each year the expenditure prescribed, having proved such expenditure, fail within the prescribed ie to pay in full, and in cash to the Agent, the price hereinore fixed for such mining location and also to pay the sum fifty dollars hereinbefore prescribed for the survey of his ation, then any right on the part of the claimant or of his al representatives in the location or claim on his or their

part to acquire it, shall lapse and the location shall thereupon revert to the Crown, and shall be held, along with any immovable improvements thereon, for disposal, under these Regulations, to any other person, or as the Minister of the Interior may direct.

(*a*) In cases where applications for mining locations are made in respect of lands within surveyed townships, they must conform to the regular system of surveys; that is, the location shall be either legal subdivisions or regular subdivisions thereof; and prior to the application being granted it shall be necessary to stake out the location, at least approximately, on the ground, and it shall be surveyed by a Dominion Land Surveyor, acting under instructions from the Surveyor-General, within one year thereafter.

(*b*) If applications for mining locations are made within a township of which at least one boundary has been surveyed, to protect himself the discoverer may stake out his claim in conformity with these Regulations; but before the issue of the patent, the claim shall, if required by the Minister of the Interior, be described by legal subdivisions or fractional portions thereof, upon a survey made by a Dominion Land Surveyor, acting under instructions from the Surveyor-General.

9. Where two or more persons lay claim to the same mining location, the right to acquire it shall be in him who can prove he was the first to discover the mineral deposit involved and to take possession, by demarcation, in the manner prescribed in these Regulations, of the location covering it.

10. Priority of discovery alone shall not give the right to acquire; but a person subsequently and independently discovering, who has complied with the other conditions prescribed in these Regulations, shall take precedence of the first discoverer if the latter has failed to comply with the said other conditions: Provided, however, that in any case where it is proved that a claimant has, in bad faith, used the prior discovery of another, and fraudulently affirms that he made independent discovery and demarcation, he shall, apart from any other legal consequences, have no claim, and shall forfeit the deposit made with his application, and shall be absolutely debarred from obtaining another mining location.

11. Not more than one mining location shall be granted to any individual claimant upon the same lode or vein.

12. Where land is used or occupied for milling purposes, reduction works, or other purpose incidental to mining operations, either by the proprietor of a mining location or other person, such land may be applied for and patented, either in connection with or separate from a mining location, in the manner hereinbefore provided for the application for and the patenting of mining locations, and may be held in addition to any such mining location; but such additional land shall in no case exceed five acres in extent, and shall be paid for at the same rate as a mining location.

13. The Minister of the Interior may grant a location for the mining of iron and mica not exceeding 160 acres in area, which shall be bounded by due north and south and east and west lines, and its breadth and length shall be equal: Provided, that should any person making an application purporting to be for the purpose of mining iron, thus obtain, whether in good faith or fraudulently, possession of a valuable mineral deposit other than iron, his right in such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location shall thereupon revert to the Crown for such disposition as the Minister may direct.

14. When there are two or more applicants for any mining location, no one of whom is the original discoverer or his assignee, the Minister of the Interior, if he sees fit to dispose of the location, shall invite their competitive tenders, or shall put it up to public tender or auction as he may deem expedient.

15. An assignment of the right to purchase a mining location shall be endorsed on the back of the receipt or certificate of assignment (Forms B and G, in the schedule hereto) and the execution thereof shall be attested by two disinterested witnesses: upon the deposit of the receipt or certificate with such assignment executed and attested as herein provided, in the office of the Agent, accompanied by a registration fee of two dollars, the Agent shall give to the assignee a receipt in the form G in the schedule hereto, which certificate shall entitle the assignee to all the rights and privileges of the original discoverer in respect of the claim assigned; and the said assignment shall be forwarded to the Minister of the Interior by the Agent, at the same time and in like manner as his other returns respecting Dominion Lands, and shall be registered in the Department of the Interior; and no assignment of the

right to purchase a mining location which is not unconditional and in all respects in accordance with the provisions of this clause, and accompanied by the registration fee herein provided for, shall be recognized by the Agent or registered in the Department of the Interior.

16. If application be made under the next preceding clause by the assignee of the right to purchase a mining location, and such claim is duly recognized and registered, as hereinbefore provided, such assignee shall by complying with these regulations become entitled to purchase the location for the price and on the terms prescribed thereby.

II.—PLACER MINING.

17. The regulations hereinbefore laid down in respect of Quartz Mining shall be applicable to Placer Mining so far as they relate to entries, entry fees, assignments, marking of locations, agents' receipts, and generally where they can be applied, save and except as otherwise herein provided. (See Regulations on Yukon and Saskatchewan Districts, 1897, ante pages 116-124.)

NATURE AND SIZE OF CLAIMS.

18. The size of claims shall be as follows:—

(*a*) For "bar diggings," a strip of land 100 feet wide at high water mark, and thence extending into the river to its lowest water level.

(*b*) For "dry diggings," 100 feet square.

(*c*) "Creek and river claims" shall be 100 feet long, measured in the direction of the general course of the stream, and shall extend in width from base to base of the hill or bench on each side, but when the hills or benches are less than 100 feet apart the claim shall be 100 feet square: Provided, however, that in any case where the distance from base to base of the hill or bench exceeds ten chains, such claims shall be laid out in areas of ten acres each, the boundaries of such areas to be due north and south and east and west lines, and if within surveyed territory the said area of ten acres shall consist of one-fourth of a legal subdivision, and shall be

marked on the ground in the manner prescribed by these Regulations for marking quartz mining locations: Provided, further, that any such claim intersected by a creek or river, shall, in addition to the stakes at the four corners thereof, have the points at which its boundaries may be intersected by the high water mark of the creek or river, on both sides of the creek or river, designated by posts of the same size which shall be driven into the ground the same depth and showing the same length above it as the posts prescribed by these regulations in respect of quartz mining locations, and the said posts shall have marked upon them legibly, with a cutting instrument or with colored chalk, the name of the claimant in full and the date of such marking.

(*d*) "Bench claims" shall be 100 feet square.

(*e*) Every claim on the face of any hill, and fronting on any natural stream or ravine, shall have a frontage of 100 feet drawn parallel to the main direction thereof, and shall be laid out, as nearly as possible, in the manner prescribed by section 4 of these Regulations.

(*f*) If any person or persons shall discover a new mine, and such discovery shall be established to the satisfaction of the Agent, claims of the following size, in dry, bar, bench, creek, or hill diggings, shall be allowed:—

To one discoverer.....	300	feet in length
To a party of two.....	600	"
" three	800	"
" four.....	1,000	"

and to each member of a party beyond four in number, a claim of the ordinary size only.

A new stratum of auriferous earth or gravel, situated in a locality where the claims are abandoned, shall for this purpose be deemed a new mine, although the same locality shall have been previously worked at a different level; and dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and vice versa.

RIGHTS AND DUTIES OF MINERS.

19. The forms of application for a grant for placer mining, and the grant of the same, shall be those contained in forms H and I in the schedule hereto.

20. The entry of every holder of a grant for placer mining must be renewed and his receipt relinquished and replaced every year, the entry fee being paid each time.

21. No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase, and any number of miners may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the Agent, and a fee of five dollars paid for each registration.

22. Any miner or miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with and a fee of two dollars paid to the Agent, who shall thereupon give the assignee a certificate in form J in the schedule hereto.

23. Every miner shall, during the continuance of his grant, have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom; but he shall have no surface rights therein; and the Superintendent of Mines may grant to the holders of adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable.

24. Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the Superintendent of Mines, be necessary for the due working thereof; and shall be entitled to drain his own claim free of charge.

25. A claim shall be deemed to be abandoned and open to occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shown, or unless the grantee is absent on leave.

26. A claim granted under these Regulations shall be continuously, and in good faith, worked, except as otherwise provided, by the grantee thereof or by some person on his behalf.

27. In tunneling under hills, on the frontage of which angles occur or which may be of an oblong or elliptical form,

no party shall be allowed to tunnel from any of the said angles, or from either end of such hills, so as to interfere with parties tunneling from the main frontage.

28. Tunnels and shafts shall be considered as belonging to the claim for the use of which they are constructed, and as abandoned or forfeited by the abandonment or forfeiture of the claim itself.

29. For the more convenient working of back claims on benches or slopes, the Superintendent of Mines may permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine, or water-course, upon such terms as he may deem expedient.

ADMINISTRATION.

30. In case of the death of any miner while entered as a holder of any mining claim, the provisions as to abandonment shall not apply either during his last illness or after his decease.

31. The Minister of the Interior shall take possession of the mining property of the deceased, and may cause such mining property to be duly worked, or dispense therewith, at his option; and he shall sell the property by private sale, or after ten days' notice thereof, by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred thereby, and pay the balance, if any, to the legal representatives of the said deceased miner.

32. The Minister of the Interior, or any person authorized by him, shall take charge of all the property of deceased miners until the issue of letters of administration.

III.—BED-ROCK FLUMES.

33. It shall be lawful for the Minister of the Interior, upon the application hereinafter mentioned, to grant to any bed-rock flume company, for any term not exceeding five years, exclusive rights of way through and entry upon any mining ground for the purposes of constructing, laying and maintaining bed-rock flumes.

34. Three or more persons may constitute themselves into a bed-rock flume company; and every application by them for such grant shall state the names of the applicants and the nature and extent of the privileges sought to be acquired. Ten full days' notice thereof shall be given between the months of June and November, and between the months of November and June one month's notice shall be given, by affixing the same to a post planted in some conspicuous part of the ground or to face of the rock, and a copy thereof conspicuously upon the inner walls of the Land Office of the district. Prior to such application, the ground included therein shall be marked out in the manner prescribed in sub-clause (*a*) of clause four of these Regulations. It shall be competent for any person to protest before the Agent within the times hereinbefore prescribed for the notice of such application, but not afterwards, against such application being granted. Every application for a grant shall be accompanied by a deposit of $100, which shall be returned if the application be refused, but not otherwise.

35. Every such grant shall be in writing, in the form K, in the schedule hereto.

36. The holders of claims through which the line of the company's flume is to run may put in a bed-rock flume in their claims to connect with the company's flume, upon giving the company ten days' notice in writing to that effect; but they shall maintain the like grade, and build their flume as thoroughly, and of as strong materials, as that built by such company.

37. Every bed-rock flume company shall lay at least fifty feet of flume during the first year and one hundred feet annually thereafter, until completion of the flume.

38. Any miners lawfully working any claims where a bed-rock flume exists, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume, but so as not to obstruct the free working of such flume by rocks, stones, boulders or otherwise.

39. Upon a grant being made to any bed-rock flume company, the Agent shall register the same, and the company shall pay for such registration a fee of $10. They shall also pay in advance an annual rent of $10 for each quarter of a mile of right of way legally held by them.

IV.—DRAINAGE OF MINES.

40. The Minister of the Interior may grant to any person or persons permission to run a drain or tunnel for drainage purposes through any occupied mining land, and may give such persons exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing a drain or drains for the drainage thereof.

41. The grantee shall compensate the owners of lands or holders of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain, and such compensation if not agreed upon, shall be settled by the Superintendent of Mines, and be paid before such drain or tunnel is constructed.

42. Such drain or tunnel, when constructed, shall be deemed to be the property of the person or persons by whom it shall have been so constructed.

43. Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll (if any) to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing the same, be accompanied by a deposit of $25, which shall be refunded in case the application is refused, but not otherwise. Notice of the application shall be given and protests may be made in the same manner as provided in regard to bed-rock flumes.

44. The grant of the right of way to construct drains and tunnels shall be made in the form L in the schedule hereto. The grant shall be registered by the grantee in the office of the Agent, to whom he shall at the time pay a registration fee of $5, or, if the grant gives power to collect tolls, a fee of $10. An annual rent of $10 shall be paid, in advance, by the said grantee for each quarter of a mile of right of way legally held by him, save where the drain shall be for the purpose of draining only the claim of the person constructing the same.

V.—DITCHES.

45. The Minister of the Interior may, upon application hereinafter mentioned, grant to any person or persons, for any term not exceeding five years, or in special cases for such length of time as he may determine, the right to divert and use the water from any stream or lake, at any particular part thereof, and the right of way through and entry upon any mining ground, for the purpose of constructing ditches and flumes to convey such water: Provided always, that every such grant shall be deemed as appurtenant to the mining claim in respect of which it has been obtained, or is required in connection with reduction works, sampling works, stamp mill, concentrating works, or other works connected with mining operations; and whenever the claim shall have been worked out or abandoned, or whenever the occasion for the use of such water upon the claim or in connection with such works shall have permanently ceased, the grant shall cease and determine.

46. Twenty days' notice of the application shall be given, in accordance with form M in the schedule to these Regulations, by affixing the same to a post planted in some conspicuous part of the ground, and a copy thereof conspicuously posted upon the inner walls of the Land Office for the district, and any person may protest within such twenty days, but not afterwards, against such application being wholly or partially granted.

47. Every application for a grant of water exceeding 200 inches shall be accompanied by a deposit of $25, which shall be refunded in case the application is refused, but not otherwise.

48. Every such application shall state the names of the applicants, the name or description of the stream or lake to be diverted, the quantity of water to be taken, the locality for its distribution, the price (if any) to be charged for the use of such water, and the time necessary for the completion of the ditch. The grant shall be in the form N in the schedule hereto.

49. Every grant of a water privilege on occupied creeks shall be subject to the rights of such miners as shall, at the time of such grant, be working on the stream above or below

the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

50. If after the grant has been made, any miner or miners locate and bona fide work any mining claim below the ditch head, on any stream so diverted, he or they collectively shall be entitled to 40 inches of water if 200 inches be diverted, and 60 inches if 300 inches be diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as may be required; and in computing such damage, the loss sustained by any claims using water therefrom, and all other reasonable losses, shall be considered.

51. No person shall be entitled to a grant of the water of any stream for the purpose of selling the water to present or future claim holders on any part of such stream. The Minister of the Interior may, however, grant such privileges as he may deem just, when such ditch is intended to work bench or hill claims fronting on any such stream, provided that the rights of miners then using the water so applied for be protected.

52. The Minister of the Interior may, on the report of the Superintendent of the Mines that such action is desirable, order the enlargement or alterations of any ditch, and fix the compensation (if any) to be paid by parties to be benefited thereby.

53. Every owner of a ditch or water privilege shall take all reasonable means for utilizing the water granted to him; and, if he wilfully take and waste any unreasonable quantity of water, the Minister may, if such offense be persisted in, declare all rights to the water forfeited.

54. The owner of any ditch or water privilege may distribute the water to such persons and on such terms as he may deem advisable, within the limits mentioned in this grant: Provided always, that such owner shall be bound to supply water to all miners who make application therefor in a fair proportion, and shall not demand more from one person than from another, except where the difficulty of supply is enhanced.

55. Any person desiring to bridge any stream, claim or other place, for any purpose, or to mine under or through

any ditch or flume, or to carry water through or over any land already occupied, may, in proper cases, do so with the written sanction of the Superintendent of Mines. In all such cases the right of the party first in possession shall prevail so as to entitle him to compensation if the same be just.

56. In measuring water in any ditch or sluice, the following rules shall be observed: The water taken into a ditch or sluice shall be measured at the ditch or sluice head; no water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it, and which trough shall be extended two feet beyond the orifice for the discharge of the water; one inch of water shall mean the quantity that shall pass through a rectangular orifice two inches high by half an inch wide, with a constant head of seven inches above the upper side of the orifice.

57. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of an entered claim, or to dig or loosen any earth or rock, within four feet of any ditch not belonging solely to the registered owner of such claim, three days' notice, in writing, of such intention shall be given before entering or approaching within four feet of such other property.

58. Any person engaged in the construction of any road or work may, with the sanction of the Minister of the Interior, cross, divert, or otherwise interfere with any ditch, water privilege or other mining rights whatsoever, for such period as the Minister shall approve.

59. The Minister shall order what compensation for every such damage or interference shall be paid, and when, and to whom, and whether any and what works, damaged or affected by such interference as aforesaid, shall be replaced by flumes or otherwise repaired by the person or persons causing any such damage.

60. The owners of any ditch, water privilege, or mining right shall, at their own expense, construct, secure and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or right.

61. The owners of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair, to the satisfaction of the

Superintendent of Mines, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch, water privilege or right.

62. The owners of any ditch, water privilege or right, shall be liable, and shall make good in such manner as the Superintendent of Mines shall determine, all damages which may be occasioned by or through any part of the works of such ditch, water privilege, or right, breaking or being imperfect.

63. Nothing herein contained shall be construed to limit the right of the Lieutenant-Governor of the Northwest Territories in Council, or of the proper authority in any Province containing Dominion Lands, to lay out, from time to time, public roads across, through, along, or under any ditch, water privilege or mining right, without compensation.

VI.—GENERAL PROVISIONS.

Interpretation.

64. In these Regulations the following expressions shall have the following meanings respectively, unless inconsistent with the context:—

"Minister" shall mean the Minister of the Interior.

"Agent" or "Local Agent" shall mean the Agent of Dominion Lands for the district, or other officer appointed by the Government for the particular purpose referred to.

"Mineral" shall include all minerals whatsoever other than coal.

"Close Season" shall mean the period of the year during which placer mining is generally suspended.

"Miner" shall mean a person holding a mining location or a grant for placer mining.

"Claim" shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.

"Claimant" shall mean a person who has obtained an entry for a mining location with a view to patent.

"Bar Diggings" shall mean any mine over which a river extends when in its flooded state.

"Dry Diggings" shall mean any mine over which a river never extends.

The mines on benches shall be known as "Bench Diggings," and shall, for the purpose of defining the size of such claims, be excepted from "Dry Diggings."

"Streams and Ravines" shall include water-courses, whether usually containing water or not, and all rivers, creeks and gulches.

"Ditch" shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

"Ditch Head" shall mean the point in a natural water-course or lake where water is first taken into a ditch.

"Placer Mining" shall mean the working of all forms of deposits, excepting veins of quartz or other rock in place.

"Quartz Mining" shall mean the working of veins of quartz or other rock in place.

"Location" shall mean the land entered by, or patented to, any person for the purpose of quartz mining.

HEARING AND DECISION OF DISPUTES.

65. The Superintendent of Mines shall have power to hear and determine all disputes in regard to mining property arising within his district, subject to appeal by either of the parties to the Commissioner of Dominion Lands.

66. No particular forms of procedure shall be necessary, but the matter complained of must be properly expressed in writing, and a copy of the complaint shall be served on the opposite party not less than seven days before the hearing of the said complaint.

67. The complaint may, by leave of the Superintendent of Mines, be amended at any time before or during the proceedings.

68. The complainant shall, at the time of filing his complaint, deposit therewith a bond-fee of $20, which shall be returned to him if the complaint proves to have been well founded, and not otherwise, except for special cause, by direction of the Minister of the Interior.

69. In the event of the decision of the Superintendent of Mines being made the subject of an appeal to the Commissioner of Dominion Lands, the appellant shall, at the time of lodging the appeal, deposit with the Agent a bond-fee of $20,

which shall be returned to the said appellant if his appeal proves to have been well founded, and not otherwise, except for special cause, by direction of the Minister of the Interior.

70. The appeal must be in writing and must be lodged with the Superintendent of Mines not more than three days after his decision has been communicated in writing to all the parties interested, and must state the grounds upon which the said decision is appealed from.

71. If the Commissioner of Dominion Lands decides that it is necessary to a proper decision of the matter in issue to have an investigation on the ground, or, in cases of disputed boundaries or measurements, to employ a surveyor to measure or survey the land in question, the expenses of the inspection or re-measurement or re-survey, as the case may be, shall be borne by the litigants, who shall pay into the hands of the said Commissioner, in equal parts, such sum as he may think sufficient for the same, before it takes place; otherwise, it shall not proceed, and the party who refuses to pay such sum shall be adjudged in default. The said Commissioner shall subsequently decide in what proportion the said expense should be borne by the parties respectively, and the surplusage, if any, shall then be returned to the parties, as he may order.

72. All bond-fees adjudged as forfeited and all payments retained under the last preceding section, shall, as soon as decision has been rendered, and all entry and other fees or moneys shall, as soon as they have been received by him, be paid by the said Agent or Commissioner to the credit of the Receiver-General in the same manner as other moneys received by him on account of Dominion Lands.

LEAVE OF ABSENCE.

73. The Agent in each district shall, under instructions from the Minister of the Interior, declare the close season in his district.

74. Each holder of a mining location or of a grant for placer mining shall be entitled to be absent from his mining location or diggings and to suspend work thereon during the close season.

75. The Agent shall have power to grant leave of absence to the holder of a mining location or grant for placer mining

pending the decision of any dispute in which he is concerned under these Regulations.

76. In cases where water is necessary to the continuance of mining operations, and the supply of water is insufficient, the Superintendent of Mines shall have power to grant leave of absence to the holder of the grant during such insufficiency, but no longer, except by permission of the Minister of the Interior.

77. Any miner or miners shall be entitled to leave of absence for one year from his or their diggings, upon proving to the satisfaction of the Superintendent of Mines that he or they has or have expended on such diggings, in cash, labor, or machinery, an amount of not less than $200 on each of such diggings, without any return of gold or other minerals in reasonable quantities for such expenditure.

78. The time reasonably occupied by the locator of a claim in going to, and returning from, the office of the Agent or Superintendent of Mines to enter his claim, or for other purposes prescribed by these Regulations, shall not be counted against him, but he shall, in such cases, be deemed to be absent on leave.

MISCELLANEOUS.

79. The Minister of the Interior shall, from time to time, as he may think fit, declare the boundaries of mineral and mining districts, and shall cause a description of the same to be published in the *Canada Gazette*.

80. The Minister of the Interior may direct mineral and mining locations to be laid out within such districts wherever, from report of the Director of the Geological Survey, or from other information, he has reason to believe there are mineral deposits of economic value, and may sell the same to applicants therefor, who, in his opinion, are able and intend in good faith to work the same; or he may, from time to time, cause the said locations to be sold by public auction or tender. Such sales shall be for cash, and at prices in no case lower than those prescribed for locations sold to original discoverers, and shall otherwise be subject to all the provisions of these Regulations.

81. The Minister of the Interior may grant to any person or persons who have a mining location and are actively de-

veloping the same, an additional location adjacent to and not exceeding it in area, provided the person or persons holding such location shall show to the satisfaction of the Minister of the Interior that the vein or lode being developed on the location will probably extend outside of either of the vertical lines forming the side boundaries of the location before it has reached the depth at which it cannot be profitably mined.

82. Persons desirous of obtaining quarries for stone on vacant Dominion Lands may do so under these Regulations; but the Minister of the Interior may require the payment of a royalty not exceeding five per cent, on account of the sales of the product of such quarries, or the land may be sold not subject to such royalty at such price as may be determined.

83. Returns shall be made by the grantee, sworn to by him, or by his agent or other employee in charge of the mine, at monthly or other such intervals as may be required by the Minister of the Interior, of all products of his mining location and of the price or amount he received for the same.

84. The Minister of the Interior shall have the power to summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral lands, mining claims, bed-rock drains or flumes; and any abandoned works may, by his order, be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence upon such terms as he shall think fit.

85. The Superintendent of Mines, acting under instructions, to be from time to time issued by the Minister of the Interior, shall cause to be laid out, at the expense of the person or persons applying for the same, a space of ground for deposits of leavings and deads from any tunnel, claim or mining ground.

86. In the event of the breach of these Regulations, or any of them, by any person holding a grant for Quartz or Placer Mining from the Crown other than Crown Patents, or from the Minister of the Interior, or from any duly authorized officer of Dominion Lands, such right or grant shall be absolutely forfeited ipso facto, and the person so offending shall be incapable thereafter of acquiring any such right or grant, unless for special cause it is otherwise decided by the Minister of the Interior.

SCHEDULE TO MINING REGULATIONS.

FORM A.—APPLICATION AND AFFIDAVIT OF DISCOVERER OF QUARTZ MINE.

I, (or we) (A. B.) of hereby apply, under the Dominion Mining Regulations, for a mining location in (here give general description of locality) for the purpose of mining for (here name the metal or mineral) and I (or we) hereby solemnly swear:—

1. That I (or we) have discovered therein a deposit of (here name the metal or mineral).

2. That I (or we) am (or are) to the best of my (or our) knowledge and belief, the first discoverer (or discovevrers) of the said deposit.

3. That I (or we) am (or are) unaware that the land is other than vacant Dominion Land.

4. That I (or we) did, on the day of mark out on the ground, in accordance in every particular with the provisions of sub-clause (a) of clause four of the said mining regulations, the location for which I (or we) make this application; and that in so doing I (or we) did not encroach on any mining location previously laid out by any other person.

5. That the said mining location contains, as nearly as I (or we) could measure or estimate, an area of acres, and that the description (and sketch, if any) of this date hereto attached signed by me (or us), sets (or set) forth in detail, to the best of my (or our) knowledge and ability, its position, form and dimensions.

6. That I (or we) make this application in good faith to acquire the land for the sole purpose of mining, to be prosecuted by myself (or us) or by myself and associates, or by my (or our) assigns.

Sworn before me at this day of 18 .

(Signature.)

FORM B.—RECEIPT FOR FEE PAID BY APPLICANT FOR MINING LOCATION.

No. .....

Department of the Interior,
Dominion Lands Office,
Agency, 18 .

Received from (A. B.) of five dollars, being the fee required by sub-clause (b) of clause four of the Dominion Mining Regulations, accompanying his (or their) application, No. , dated 18 , for mining location in (insert general description of locality).

This receipt authorizes the said (A. B.) his (or their) legal representatives or assigns, to enter into possession of the said mining location, and, subject to the payment of a fee of five dollars and the renewal of this form of receipt on or before the beginning of each year, during the term of five years from this date, to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location, which, provisionally and until survey thereof, may be known and described as follows: (insert description in detail).

If the said (A. B.) or his (or their) legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him (or them) to purchase, within five years from this date, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

Agent of Dominion Lands.

FORM C.—RECEIPT FOR ANNUAL FEE FOR RENEWAL OF LOCATION CERTIFICATE.

Department of the Interior,
Dominion Lands Office,
Agency, 18 .

Received from (A. B.) of five dollars, being the fee required by sub-clause (c) of clause four of the Dominion Mining Regulations, accompanying his (or their) application No. dated 18 , respecting the mining location described as follows: (insert description in detail for which he (or they) obtained entry No. on the day of 18 .

From evidence furnished in support of the said application No. it would appear that (A. B.) his or their legal representatives or assigns, are entitled to continue in possession of the said mining location, and during the term of years from the 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the mining regulations, to purchase the said location, which provisionally and until survey thereof, may be known and described as above.

If the said (A. B.) or his (or their) legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would enitle him (or them) to purchase within years from this date, or, having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

Agent of Dominion Lands.

FORM D.—CERTIFICATE IN CASES OF PARTNERSHIP THAT ANNUAL EXPENDITURE MAY FOR FIRST TWO YEARS AFTER RECORDING CLAIMS BE MADE ON ANY ONE OF THE CLAIMS AFFECTED BY SUCH PARTNERSHIP.

No.....

Department of the Interior,
Dominion Lands Office,
Agency, 18 .

This is to certify that in accordance with the provisions of sub-clause (d) of clause four of the Dominion Mining Regulations, (A. B.) of , who obtained entry No. for the mining location described as follows:

on the day of 18 , and (C. D.) of who obtained entry No. for the mining location described as follows:

on the day of 18 , and (E. F.) of who obtained entry No. for the mining location described as follows:

on the day of 18 , and (G. H.) of who obtained entry No. for the mining location described as follows:

on the day of 18 , having complied with the conditions required by said sub-clause (d) in so far that they have filed a certificate of a Partnership entered into at dated the day of , 18 , and all their claims having been entered within three months of each other, and numbered in this office as Nos. (or if incorporated, have filed the documents required) may make within one year from this date the annual expenditure required by each on any one of the mining locations aforementioned, amounting to dollars, this being the amount under said regulations required to be expended within the first and second years after said claims were located.

Agent of Dominion Lands.

FORM E.—RECEIPT TO BE GIVEN FOR FEE PAID IN CASE OF PARTNERSHIP.

No.....

Department of the Interior,
Dominion Lands Office,
Agency, 18 .

Received from (A. B.) of five dollars, being the fee required by sub-clause (d) of clause four of the Dominion Mining Regulations accompanying his (or their) application No. dated 18 , respecting the mining location described as follows (insert description in detail) for which he (or they) obtained entry No. on the day of 18 .

From evidence furnished by the said application No. it would appear that (A. B.) his (or their) legal representatives or assigns are entitled to continue in possession of the said mining location, and, during the term of years from the , 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, are entitled to purchase the said location which, provisionally and until survey thereof, may be known and described as above.

If the said (A. B.) or his (or their) legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within years from this date, or, having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

The said (A. B.) and the foregoing mining location are those recited in No. Form D, dated at the day of 18 .

Agent of Dominion Lands.

FORM F.—PATENT OF A MINING LOCATION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.—To all to whom these presents shall come.

Greeting:

Know Ye that We do by these presents, for Us, Our heirs and successors, in consideration of the fulfilment of the Dominion Mining Regulations of our Dominion of Canada give and grant unto heirs and assigns, all that parcel or lot of land situate and numbered on the official plan or survey of the said , to have and to hold the said parcel of land, and all minerals, precious and base, which may be found therein, unto the said heirs and assigns forever;

Provided, that it shall at all times be lawful for Us, Our heirs and successors, or for any person by Our authority, to resume any portion (not exceeding one-twentieth part) of the said lands for making roads, canals, bridges, towing paths, or other works of public utility or convenience; but no such resumption shall be made of land on which any permanent buildings may have been erected, without compensation;

Provided, also, that it shall be lawful for any person duly authorized by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such right of carrying water over, through or under any parts of the hereditaments hereby granted as may be reasonably required for agricultural or other purposes in the vicinity of the said land, upon paying therefor a reasonable compensation to the aforesaid heirs and assigns.

FORM G.—CERTIFICATE OF THE ASSIGNMENT OF A MINING LOCATION.

No.....

Department of the Interior,
Dominion Lands Office,
Agency, 18 .

This is to certify that (B. C.) of has (or have) filed an assignment in due form, dated

18 , and accompanied by a registration fee of two dollars, of the right of (A. B.) of to purchase the mining location in (here insert general description of locality) applied for by the said (A. B.) on the 18 .

This certificate entitles the said (B. C.) or his (or their) legal representatives or assigns, to all the rights and privileges of the said (A. B.), in respect of the claim assigned and hereinafter described; that is to say, to enter into possession of the said mining location, and during the term of years from the date of the receipt No. granted to the said (A. B.), dated the day of 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the Dominion Mining Regulations, entitles him or them to purchase the said location, which, provisionally, and until survey thereof, may be known and described as follows:— (insert description in detail).

If the said (B. C.) or his (or their) legal representatives or assigns, fail to comply as aforesaid with the conditions that would entitle him or them to purchase, within year of the date of the receipt granted to (A. B.) and now deposited with me, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of, as may be directed by the Minister of the Interior.

Agent of Dominion Lands.

FORM H.—APPLICATION FOR GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT.

I, (or we), of hereby apply, under the Dominion Mining Regulations, for a grant of a claim for placer mining as defined in the said regulations, in

(here describe locality.)

and I (or we) solemnly swear:—

1. That I (or we) have discovered therein a deposit of (here name the metal or mineral).

2. That I (or we) am (or are) to the best of my (or our) knowledge and belief, the first discoverer (or discoverers) of the said deposit; or—

3. That the said claim was previously granted to (here name the last grantee), but has remained unworked by the said grantee for not less than

4. That I (or we) am (or are) unaware that the land is other than vacant Dominion Land

5. That I (or we) did, on the day of mark out on the ground, in accordance in every particular with the provisions of sub-clause (e) of clause eighteen of the said mining regulations, the claim for which I (or we) make this application, and that in so doing I (or we) did not encroach on any other claim or mining location previously laid out by any other person.

6. That the said claim contains, as nearly as I (or we) could measure or estimate, an area of square feet, and that the description (and sketch, if any) of this date hereto attached, signed by me (or us), sets (or set) forth in detail, to the best of my (or our) knowledge and ability, its position, form and dimensions.

7. That I (or we) make this application in good faith, to acquire the claim for the sole purpose of mining, to be prosecuted by myself (or us), or by myself and associates, or by my (or our) assigns.

Sworn before me at this day of 18 .

(Signature)

FORM I.—GRANT FOR PLACER MINING.

No.....

Department of the Interior,
Dominion Land Office.
Agency, 18 .

In consideration of the payment of five dollars, being the fee required by the provisions of the Dominion Mining Regulations, clauses four and twenty, by (A.B.) of , accompanying his (or their) application No. , dated 18 , for a mining claim in (here insert description of locality).

The Minister of the Interior hereby grants to the said

(A.B.) , for the term of one year from the date hereof, the exclusive right of entry upon the claim (here describe in detail the claim granted) for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom.

The said (A.B.) shall be entitled to the use of so much of the water naturally flowing through or past his (or their) claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain his (or their) claim, free of charge.

This grant does not convey to the said (A.B.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said (A.B.) or his (or their) associates.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Agent of Dominion Lands.

FORM J.—CERTIFICATE OF THE ASSIGNMENT OF A PLACER MINING CLAIM.

No.....

Department of the Interior,
Dominion Lands Office.
Agency, 18 .

This is to certify that (B.C.) of has (or have) filed an assignment in due form dated 18 , and accompanied by a registration fee of two dollars, of the grant to (A.B.) of of the right to mine in (insert description of claim) for one year from the 18 .

This certificate entitles the said (B.C.) to all the rights and privileges of the said (A.B.) in respect of the claim assigned, that is to say, to the exclusive right of entry upon the said claim for the miner-like working

thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom, for the remaining portion of the year for which the said claim was granted to the said (A.B.) , that is to say, until the day of 18 .

The said (B.C.) shall be entitled to the use of so much of the water naturally flowing through or past his (or their) claim and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain the claim free of charge.

This grant does not convey to the said (B.C.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously, and in good faith, worked by the said (B.C.) or his (or their) associates.

The rights hereby granted are those laid down in the Dominion Mining Regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Agent of Dominion Lands.

FORM K.—GRANT TO A BED-ROCK FLUME COMPANY.

No.....

Department of the Interior,
Dominion Lands Office.
Agency, 18 .

In consideration of the payment of a deposit of one hundred dollars, required by clause thirty-four of the Dominion Mining Regulations to be made with the application of a bed-rock flume company, and of the further sum of ten dollars, being the fee for registration of this grant required by clause thirty-nine of the said regulations,—

The Minister of the Interior hereby grants to (names of members of company) forming together a bed-rock flume company (known as the (title of company)) the following rights and privileges, that is to say:—

(*a*) The rights of way through and entry upon any new and

unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground one hundred feet wide and two hundred feet long in the bed thereof, to each individual of the company;

(*b*) The rights of way through and entry upon any river, creek, gulch or ravine, worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, one hundred feet in width, and one-quarter of a mile in length for each individual of the company;

(*c*) The rights of entry through and entry upon all claims which, at the time of the notice of application, are in good faith being worked, for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining and repairing the flume as may be necessary.

(*d*) The use of so much of the unappropriated water of the stream on which they may be located, and of other adjacent streams, as may be necessary for the use of their flumes, hydraulic power and machinery to carry on their operations, and the right of way for ditches and flumes to convey the necessary water to their works, subject to the payment of any damage which may be done to other parties by running such ditch or flume through or over their ground;

Provided, that the rights herein granted shall apply only to such claims and streams as are here specified: (insert description of claims and streams) and such other claims and streams as may, after due notice and application, be subsequently added to the above list by the Minister of the Interior, under the hand of the local Agent;

Provided also, that the said company shall pay to the local Agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by them;

Provided further, that this grant is subject to all the provisions of the Dominion Mining Regulations in that behalf, whether the same are expressed herein or not.

This grant shall cease and determine at the expiration of years from the date hereof.

Agent of Dominion Lands.

FORM L.—GRANT FOR DRAINAGE.

No.....

Department of the Interior,
Dominion Lands Office,
Agency , 18 .

In consideration of the payment of a deposit of twenty-five dollars, required by clause forty-three of the Dominion Mining Regulations, to be made with the application for a grant of right of way to construct drains, and of the further sum of dollars, being the fee for the registration of this grant required by clause forty-four of the said regulations.

The Minister of the Interior hereby grants to (name or names of grantee or grantees) the right to run a drain or tunnel for drainage purposes through the occupied mining lands here specified: (here describe mining lands) and further, for a term of from the date hereof, exclusive rights of way through and entry upon the following mining grounds: (here insert description) for the purpose of constructing a drain or drains for the drainage thereof; and the right to charge the following tolls for the use thereof (insert tariff of tolls):

Provided, that the grantee (or grantees) shall construct such drain or drains of sufficient size to meet all requirements within from the date hereof, and keep the same in thorough working order and repair, and free from all obstructions; and shall, within a reasonable time, construct proper tap drains from or into any adjacent claims, upon being requested by the owners thereof, and in default thereof, shall permit such parties themselves to make them, in which case such parties shall only be chargeable with one-half the rates of drainage-toll herein authorized:

Provided also, that said grantee (or grantees) shall compensate the owners of lands or holders of claims entered upon by for any damage they may sustain by the construction of such tunnel or drain:

Provided further, that the said grantee (or grantees) shall pay to the local Agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by

Provided further, that this grant is subject to all the pro-

visions of the Dominion Mining Regulations in that behalf, whether the same are expressed herein or not.

Agent of Dominion Lands.

FORM M.—NOTICE OF APPLICATION TO USE AND DIVERT WATER.

Notice is hereby given, in pursuance of the provisions of the Dominion Mining Regulations, that I (or we) of at the expiration of twenty days from the date hereof, intend to apply to the Minister of the Interior of Canada, for authority to take, carry away, and divert to my (or our) mining claim or from its natural channel, inches of the unentered and unappropriated water of the (stream or lake) known as for purposes, during the term of years from the date of entry, with the object of

Such diversion will be made at a point situate on the end or side of the said (stream or lake), marked on the ground by a conspicuous post; and it is intended that such water shall be carried in and through a (ditch, or flume, or both), in a direction over the lands of as indicated by like conspicuous posts planted about every quarter of a mile along the proposed location (of the ditch, or flume, or both).

(Signed)

Post Office Address.

Dated the day of , 18 .

at

FORM N.—GRANT OF RIGHT TO DIVERT WATER AND CONSTRUCT DITCHES.

No.....

Department of the Interior,
Dominion Lands Office,
Agency , 18 .

In consideration of the payment of a deposit of twenty-five dollars, required by clause forty-seven of the Dominion Mining Regulations, to be made with the application for the right to divert water and construct ditches:

The Minister of the Interior hereby grants to (A.B.) for the term of years from the date hereof, the right to divert and use the water from (specify stream or lake) to the extent of inches, and no more, to be distributed as follows: (describe locality of distribution) together with the right to charge the following rates for the use of the said water: (insert rates to be charged) and the rights of way through and entry upon the following mining grounds (insert description) for the purpose of constructing ditches and flumes to convey such water, provided such ditches and flumes are constructed and in working order within from the date hereof:

Provided, that this grant shall be deemed to be appurtenant to mining claim No. , and shall cease and determine whenever the said claim shall have been worked out or abandoned, or the occasion for the use of such water upon the said claim shall have permanently ceased:

Provided also, that this grant is subject to all the provisions of the Dominion Mining Regulations in that behalf, whether the same are expressed herein or not.

Agent of Dominion Lands.

DREDGING REGULATIONS.

GOVERNING THE ISSUE OF LEASES TO DREDGE FOR MINERALS IN THE SUBMERGED BEDS OF RIVERS IN MANITOBA AND THE NORTHWEST TERRITORIES EXCEPTING THE YUKON RIVER AND ITS TRIBUTARIES.

(Approved by Order in Council No. 2103 of the 21st of July 1897, as amended by Order in Council No. 2325 of the 29th of July, 1897.)

The Agent of Dominion Lands in whose district the portion of the river desired to be leased is situated is authorized to

accept applications, and leases may be issued by the Minister of the Interior upon the following conditions:—

1. The lessee shall be given the exclusive right to sub-aqueous mining and dredging for minerals with the exception of coal in and along an unbroken extent of five miles of the river following its sinuosities, and to be described by the applicant in such manner as to be easily traced on the ground.

2. The lease shall be for a term of twenty years, at the end of which time all rights vested in, or which may be claimed by the lessee are to cease and determine. The lease may be renewable, however, from time to time thereafter in the discretion of the Minister of the Interior.

3. The lessee's right to mining and dredging shall be confined to the submerged bed or bars in the river, below low water mark.

4. The lease shall be subject to the rights of all persons who have received or who may receive entries for bar diggings or bench claims under the mining regulations.

5. The lessee shall have a dredge in operation within one year from the date of the lease, and, if during one season, when operations can be carried on, he fails to efficiently work the same, the lease shall become null and void, unless the Minister of the Interior shall decide otherwise.

6. The lessee shall pay a rental of $50 per annum for each dredge used, such rental to be paid in advance, and to commence to accrue on the date upon which the lease is issued. He shall also pay to the Crown a royalty of two and one-half per cent on the output after it exceeds $10,000.00, as shown by sworn returns to be furnished monthly by the lessee during the period that dredging operations are being carried on. Said royalty to be paid monthly.

7. The lessee shall not interfere in any way with the general right of the public to use the river in which he may be permitted to dredge, for navigation and other purposes; the free navigation of the river shall not be impeded by the deposit of tailings in such manner as to form bars or banks in the channel thereof; and the current or stream shall not be obstructed in any material degree by the accumulation of such deposits.

8. The lease shall provide that any one who has or who may receive entry under the mining regulations shall be entitled to run tailings into the river at any point thereon, also to mine

two feet below the surface of the water at low water mark by putting in wing dams.

9. The lease to be issued shall reserve all roads, ways, bridges, drains, and other public works and improvements now existing, or which may hereafter be made in, upon or under any part of the river, and the power to enter and construct the same. It shall also provide that the lessee shall not damage nor obstruct any public ways, drains, bridges, works and improvements now or hereafter to be made upon, in, over, through, or under the river; and that he will substantially bridge or cover and protect all the cuts, flumes, ditches, and sluices, and all pits and dangerous places at all points where they may be crossed by a public highway or frequented path or trail, to the satisfaction of the Minister of the Interior.

DOMINION COAL LANDS.

1. THE FOLLOWING REGULATIONS APPLY TO COAL MINED ON DOMINION LANDS FOR DOMESTIC PURPOSES ONLY. 9 FEBRUARY, 1897.

2. The frontage of a coal mining location shall not exceed three chains in width measured in direct distance and the length thereof shall not exceed ten chains, nor shall it be less than five chains, except where the ground is covered by a prior location. Its boundaries beneath the surface shall be the vertical planes in which its surface boundaries lie.

3. The location shall be marked on the ground by placing at each of its four corners a wooden post not less than four inches square, driven not less than eighteen inches into the ground and showing that length above it. If the ground is too rocky to admit of so driving such posts, the claimant shall build about each of them, to support it and keep it in place, a cairn or mound of stones, at least three feet in diameter at the base, and eighteen inches high. If the location be timbered, a line shall be run and well blazed joining the said posts. If it be not timbered, and the ground is of such a nature that any one post cannot be seen from the ends of either of the lines which form the angle at which the said post is placed, posts flattened on two sides (such flattened portions facing the directions of the line) shall be planted or mounded along the side lines wherever necessary so that no difficulty may be experi-

enced by a subsequent prospector or explorer discovering or following the boundaries of any location. If the location be laid out with its boundaries due North and South and East and West, then the claimant shall mark on the post at the North-east angle of the location, legibly with a cutting instrument or with colored chalk, his name in full, the date of such marking and the letters M.L. No. 1, to indicate that the post is Mining Location Post No. 1. Proceeding next to the Southeasterly angle of the location, he shall mark the post planted there with the letters M.L. No. 2, and his initials; next to the South-westerly angle of the location the post planted at which he shall mark with the letters M.L. No. 3, and his initials, and lastly to the northwesterly angle of the location, the post planted at which he shall mark with the letters M.L. No. 4, and his initials. If the location be laid out by other than due North and South and East and West lines, the first mentioned post shall be the one at the northerly angle; the second the one at the Easterly angle; the third the one at the Southerly angle, and the fourth the one at the Westerly angle; furthermore on the face of each post, which face shall in the planting thereof be turned towards the post which next follows it in the order in which they are named and numbered, there shall be marked in figures the number of yards distant to the next following post. If means of measurement are not available, the distance to be so marked on each of the posts may be that estimated. If the corner of a location falls in a ravine, bed of a stream, or any other situation where the character of the locality may render the planting of a post impossible, the said corner may be indicated by the erection at the nearest suitable point of a witness post, which in that case shall contain the same marks as those prescribed in this clause with regard to corner posts, together with the letters W.P., and an indication of the bearing and distance of the site of the true corner from such witness post.

4. If the location is situated within territory where no surveys have been made, it shall be connected with some prominent feature in the locality, the connection to be shown on a sketch to be furnished by the claimant. If it is situated on the bank of a stream, the claimant shall show on the sketch the general course of the stream, any ravine running back from the same, and such other topographical features as are noticeable.

5. If the location is situated within territory which has not been subdivided, but where one or more township lines have been established, it shall be connected with some point on such established boundary.

6. Having so marked the location on the ground, the claimant shall within thirty days thereafter file with the Agent for the Land District within which the location is situated, an application for the same with a sketch showing its position, and if within a surveyed tract the quarter-section within which it is situated.

7. If within thirty days after staking a location the claimant has not made application to the Agent therefor, it shall be open to any other applicant who complies with the requirements of these Regulations.

8. Where two or more persons lay claim to the same location, the right to acquire it shall be in him who can prove that he was the first to discover mineral deposit involved, and to take possession by demarcation in the manner prescribed in these Regulations of the location covering it.

9. When there are two or more applicants for a location, no one of whom is the original discoverer, the Minister of the Interior, if he sees fit to dispose of the location, shall invite their competitive tenders.

10. A permit to mine coal on the location staked out will be issued upon payment of the annual rental of five dollars for any area less than one acre, and for an area of one acre or over, at the rate of five dollars an acre. Returns on a form to be furnished by the Department of the Interior shall be made by the permittee every month to the Agent of Dominion Lands within whose district the location is situated showing the quantity of coal mined, and payment shall at the same time be made of the royalty thereon at the following rates—namely, twenty cents per ton for anthracite coal, fifteen cents per ton for bituminous coal, and ten cents per ton for lignite coal. Even if no coal has been mined during any one month, the permittee shall send in a return to that effect.

A declaration as to the truth of the return shall be made before a Justice of the Peace, a Commissioner, or an Agent of Dominion Lands, but if the location is not situated within a radius of five miles of the place where such declaration can be taken, it will be sufficient if the permittee sends in an interim

return of the coal mined during the month and pays the royalty thereon. In such case, the permittee shall every three months make a declaration before a Justice of the Peace, a Commissioner, or an Agent of Dominion Lands, as to the accuracy of such returns for the next preceding period of three months and send it to the Agent of Dominion Lands.

11. A permit may, in the discretion of the Minister of the Interior, be renewed from year to year so long as the land described therein is vested in the Crown, provided the permittee has complied with all the requirements of these Regulations, and is operating his mine to the satisfaction of the Minister.

If at any time during the period the permit is in force the permittee desires to cease operations on his claim, he may do so on making to the Agent of Dominion Lands a return of all coal mined between the date of his last return and the date upon which he ceased operations, paying the amount for royalty and ground rent, and returning the permit issued to him.

12. The permit while it remains in force shall give to the permittee sole and undisputed possession of the location therein described. In case the applicant for a permit is the owner of the surface rights of the location, no ground rent therefor shall be charged. If the surface of the location is not the property of the Crown, and the permittee desires an easement to the mine, it will be necessary for him to acquire it in accordance with the provisions in that behalf of the Regulations for the disposal of coal lands approved by Orders in Council of the 17th of September, 1889, and the 9th of July, 1892.

13. The permit shall be returned to the Agent on the date specified therein.

14. No permit shall be issued to mine coal on lands which are not situated within territory designated from time to time by the Minister of the Interior as a Coal Mining District for the purposes of these Regulations.

15. If a permittee fails to comply with the requirements of any of the provisions of these Regulations, the permit may be forfeited by the Minister of the Interior.

A. M. BURGESS,
Deputy of the Minister of the Interior.

Department of the Interior, Ottawa.

PART V.

NORTHWEST TERRITORY AND MANITOBA.

PUBLIC LANDS OTHER THAN MINERAL BELONGING TO THE DOMINION OF CANADA.

PART 5.

NORTHWEST TERRITORY AND MANITOBA DOMINION LANDS.

Dominion lands as herein stated applies exclusively to public lands belonging to the Dominion of Canada in Manitoba and the Territories of Canada. The public lands of the Yukon District in the Northwest Territory are Dominion lands and are governed by the Dominion land law.

NOTES.

(1) The sections or clauses which have been inserted in this consolidation under the numbers "39a.," "42a.," "42b.," "44a.," "44b.," "44c.," "44d.," "49a.," "90a.," "90b.," "90c.," and "91a.," were given such numbers so that they might be inserted next the particular provisions to which they respectively relate. For the same reason section 1 of 57-58 Vic., chap. 26, has been inserted after clause 23 as a proviso.

(2.) Section 5 of 55-56 Vic., chap. 15, inserted in this consolidation as "47," not only repeals clause 47 of chap. 24, R. S. C., but also amends the "Rocky Mountains Park Act," 50-51 Vic., chap. 32; and section 6 of 55-56 Vic., chap. 15, concerning as it does the subject of sections 107 and 108 of the "Northwest Territories Act," chap. 50. R. S. C., is properly a new provision of that act.

(3.) The provisions of 56 Vic., chap. 18., and of 58-59 Vic., chap. 34, sections 1 and 2, authorizing the Minister to grant homestead entries to the persons named therein, respectively, for the school lands set opposite their respective names and the provisions of 58-59 Vic., chap. 34, section 3, authorizing the sale of the school lands therein mentioned to the Cochrane Ranch Company, have not been included in this consolidation.

THE REVISED STATUTES OF CANADA.

CHAPTER 54.

AN ACT RESPECTING PUBLIC LANDS, A. D. 1886.

(As amended by 50-51 Vic., Chap. 31, assented to 23rd June, A. D. 1887; 51 Vic., Chap. 21, assented to 22nd May, A. D. 1888; 52 Vic., Chap 27, assented to 2nd May, A. D. 1889; 54-55 Vic., Chap. 24, assented to 30th September, A. D. 1891; 55-56 Vic., Chap. 15, assented to 9th July, A. D. 1892; 57-58 Vic. Chap. 26, assented to 23rd July, 1894; and 58-59 Vic., Chap. 34, assented to 22nd July, 1895.) With amendments of 29th of June, 1897.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sec. 1. SHORT TITLE.—This act may be cited as "The Dominion Lands Act," 46 V., c. 17, s. 1, part.

Sec. 2. INTERPRETATION. "MINISTER."—(*a.*) The expression "Minister" means the Minister of the Interior.

"SURVEYOR-GENERAL."— (*b*) The expression "Surveyor-General" means the officer of the Department of the Interior who bears that designation, or the chief clerk performing his duties for the time being.

"AGENT OR OFFICER." "LOCAL AGENT." "LAND OFFICE."—(*c.*) The expression "agent" or "officer" means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; the expression "local agent" means the agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the expression "land office" means the office of any such agent.

"DOMINION LAND SURVEYOR."—(*d.*) The expression "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of this Act, to survey Dominion lands.

"CROWN TIMBER AGENT."—(*e.*) The expression "Crown Timber Agent" means the local officer appointed to collect dues and to perform such other duties as are assigned to such officer, in respect to the timber on Dominion lands.

"CLAUSE." "SUB-CLAUSE."—(*f*.) The expression "clause" means a section of this Act, or of any Act herein cited, distinguished by a separate number; and the expression "sub-clause" means a subdivision of any clause distinguished by a separate number or letter in smaller type.

"DOMINION LANDS."—(*g*.) The expression "Dominion lands" means any lands to which this Act applies.

"PRE-EMPTION ENTRY." "PRE-EMPTION RIGHT."—(*h*.) The expression "pre-emption entry" means the entering on the books of a local agent of a preferential claim to acquire by purchase, in connection with a homestead entry, and on becoming entitled to a patent for the homestead, a quarter section, or a part of a quarter section of land adjoining such homestead; and the expression "pre-emption right" means the right of obtaining a patent for such quarter-section, or a part of a quarter-section, on the said condition and on payment of the price fixed by the Governor in Council at the time of entry in the class of lands in which such pre-emption is comprised, in respect of land subject to pre-emption entry. 46 V., c. 17, s. 1, part.

APPLICATION OF ACT.

APPLICATION OF ACT.—Sec. 3. Except as provided by any other Act of the Parliament of Canada, this Act applies exclusively to the public lands included in Manitoba and the several territories of Canada. 46 V., c. 17, s. 1, part.

AS TO LANDS STILL UNDER INDIAN TITLE.—Sec. 4. None of the provisions of this Act shall apply to territory the Indian title to which is not extinguished. 46 V., c. 17, s. 3.

ADMINISTRATION.

ADMINISTRATION AND MANAGEMENT. HOW EFFECTED.—Sec. 5. The Minister shall have the administration and management of the Dominion lands; and such administration and management shall be effected through a branch of the Department of the Interior, which shall be known and designated as "The Dominion Lands Office." 46 V., c. 17, s. 2, part.

GOVERNOR IN COUNCIL MAY APPOINT CERTAIN OFFICERS. THEIR POWERS AND DUTIES.—Sec. 6. The Governor in Council may appoint an officer who shall be styled "The Commissioner of Dominion Lands," an officer who shall be styled "The Inspector of Dominion Lands Agencies," and an officer who shall be styled "The Superintendent of Mines," and such officers shall respectively have the powers, not inconsistent with the provisions of this Act, and perform the duties that are, from time to time, conferred upon and assigned to them by order of the Governor in Council.

DOMINON LANDS BOARD MAY BE ESTABLISHED. COMPOSITION AND POWERS.—2. The Governor in Council may also establish a "Dominion Lands Board" to investigate and settle all disputed questions arising out of the duties imposed upon the Commissioner of Dominion Lands, the Inspector of Dominion Lands Agencies, and the Superintendent of Mines, and all other matters connected with the administration of the Dominion lands system in Manitoba and the Northwest Territories; and such Dominion Lands Board shall be composed of such persons, and shall have such powers and authority, not inconsistent with this Act, and shall perform such duties as the Governor in Council, from time to time, directs. 49 V., c. 27, s. 2, part.

EMPLOYEES OF DEPARTMENT NOT TO PURCHASE DOMINION LANDS; OR GIVE INFORMATION WITHOUT PERMISSION OF MINISTER. Sec. 7. No person employed in or under the Department of the Interior shall purchase any Dominion lands except under authority of the Governor in Council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other person in such behalf; and no person so employed shall disclose to any person except his superior officer, any discovery made by him or by any other officer of the Department of the Interior or any other information in his possession in relation to Dominion lands, until such discovery or information has been reported to the Minister of the Interior, and his permission for such disclosure has been obtained.

EMPLOYEES IN OUTSIDE SERVICE OF DOMINION LANDS BRANCH AND EXTRA CLERKS TO TAKE OATHS OF ALLEGIANCE AND OFFICE.—2. Every person employed in the outside service of the Dominion lands

branch of the Department of the Interior, who has not already done so, and every extra clerk employed in the said branch who has not already done so, shall, and every person or extra clerk who is hereafter so employed, shall, before any salary is paid to him, take and subscribe the oath of allegiance, and also the oath of office prescribed by clause fifty-seven of "The Civil Service Act." 46 V., c. 17, s 2, part;—49 V. c. 27, s. 2, part.

SURVEYS.

SYSTEM OF SURVEY. TOWNSHIPS.—Sec. 8. The Dominion lands shall be laid off in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, with such road allowances between sections, and of such width, as the Governor in Council prescribes.

SECTIONS.—2. The sections shall be bounded and numbered as shown by the following diagram:

N.

31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1

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46 V., c. 17, s. 4.

LINES BOUNDING TOWNSHIPS.—Sec. 9. The lines bounding townships on the east and west sides shall be meridians; and those on the north and south sides shall be chords to parallels of latitude. 46 V., c. 17, s. 5.

HOW TOWNSHIPS SHALL BE NUMBERED FROM PRINCIPAL MERIDIAN. FROM OTHER MERIDIANS.—Sec. 10. The townships shall be numbered, in regular order, northerly from the International Boundary, or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year one thousand eight hundred and sixty-nine, styled the "principal meridian," drawn northerly from the forty-ninth parallel of north latitude at a point ten miles, or thereabouts, westerly from Pembina; and in ranges numbered from such other initial meridians throughout the Northwest Territories as the Minister, in his direction of the land surveys, orders to be established.

DESIGNATION OF MERIDIANS.—2. Such meridians shall be styled the second, the third, the fourth meridian, and so on, according to their order in number westward from the principal meridian. 46 V., c. 17. s. 6.

WIDTH OF TOWNSHIPS ON BASE LINES.—Sec. 11. Except as herein otherwise provided, townships shall be given their prescribed width on the base lines hereinafter mentioned; and the meridians between townships shall be drawn across such bases, northward and southward, to the depth of two townships therefrom, that is to say, to the correction lines hereinafter mentioned.

CERTAIN MERIDIANS HOW SURVEYED.—2. The meridians between those townships situated between the International Boundary or first base line and the first correction line, shall be surveyed to the south from the said first correction line to the said International Boundary or first base line. 52 V., c. 27, s. 1.

BASE LINES OF TOWNSHIPS.—Sec. 12. The said forty-ninth parallel, or International Boundary, shall be the first base line, or that for townships numbered one; the second base line shall be between townships four and five; the third between townships eight and nine; the fourth between townships twelve and thirteen; the fifth between townships sixteen and

seventeen; and so on, northerly, in regular succession. 46 V., c. 17, s. 8.

CORRECTION LINES.—Sec. 13. The correction lines, or those upon which the jog resulting from the convergence of meridians shall be allowed, shall be as follows, that is to say: on the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on, that is to say: they will be those lines running east and west between townships and midway between the bases. 46 V., c. 17, s. 9.

DIVISIONS OF A SECTION.—Sec. 14. Each section shall be divided into quarter-sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made. 46 V., c. 17, s. 10.

ALLOWANCE FOR DEFICIENCY OR SURPLUS.—Sec. 15. In the survey of a township, the deficiency or surplus resulting from convergence of meridians, shall be allowed in the range of quarter-sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges or quarter-sections adjoining, and north or south respectively of the said correction lines; excepting in the case of the north and south closings in those townships between the first correction line and the International Boundary or first base line, which error is to be left in the last quarter-section adjoining the said first base line; but the Governor in Council may order such deficiency or surplus, and such north and south error, or either of them, to be equally distributed among all the quarter-sections involved. 52 V., c. 27, s. 2.

IRREGULAR QUARTER-SECTIONS.—Sec. 16. The dimensions and area of irregular quarter-sections shall, in all cases, be returned by the surveyor at their actual measurements and contents. 46 V., c. 17, s. 12.

Sec. 17. (Sec. 17 of Chap. 54, R. S. C., which was originally 46 Vic., Chap. 17, Sec. 13, was repealed by 55-56 Vic., Chap. 15, Sec. 1.)

POSTS AND MONUMENTS AT CORNERS.—Sec. 18. Except as hereinafter provided, only a single row of posts or monuments, to indicate the corners of townships or sections, shall be placed on any survey line thereof; such posts or monuments shall, on north and south lines, be placed in the west

limit of the road allowances, and on the east and west lines, in the south limit of the road allowances, and in all cases shall fix and govern the position of the boundary corner between the adjoining townships, sections, or quarter-sections, on the opposite side of the road allowance.

AS TO CORNERS ON CORRECTION LINES. 2. In the case of township, section and quarter-section corners on correction lines, posts or monuments shall, in all cases, be planted and marked independently for the townships on either side; those for the townships north of the line, in the north limit of the road allowance, and those for the townships south of the line, in the south limit. 46 V., c. 17, s. 14.

SURVEYS TO BE GIVEN OUT BY CONTRACT OR TENDER.—Sec. 19. The township subdivision surveys of Dominion lands, according to the system above described, shall be performed under contract at a certain rate per township, per mile or per acre, fixed, from time to time, by the Governor in Council, or by competitive tender, as the Governor in Council, from time to time, directs.

EXCEPTION.—2. In special cases where circumstance render it advisable to effect otherwise the survey of a township or townships, the Governor in Council may order the same to be done. 46 V., c. 17, s. 15.

LEGAL SUBDIVISION OF TOWNSHIPS.—Sec. 20. To facilitate the description for letters patent of less than a quarter section, every section shall be supposed to be divided into quarter-quarter-sections, or forty acres, and such quarter-quarter-sections shall be numbered as shown in the following diagram, which is intended to show such subdivisions of a section, which shall be styled legal subdivisions:

N.

13	14	15	16
12	11	10	9
5	6	7	8
4	3	2	1

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AREAS TO BE MORE OR LESS.—2. The area of any legal subdivision as above set forth shall, in letters patent, be held to be more or less, and shall, in each case, be represented by the exact quantity as given to such subdivision in the original survey. 46 V., c. 17, s. 16.

AS TO LAYING OUT AND DESCRIBING CERTAIN LANDS. R. S. C., c. 48.—Sec. 21. Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the Act respecting certain Claims to Lands in the Province of Manitoba, or to prevent fractional sections or lands bordering on any river or lake, or other water-course, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such subdivisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent any Dominion lands in the mountainous regions of Manitoba, the Northwest Territories and British Columbia, where the ordinary mode of survey is impracticable, from being laid out into townships, sections, quarter-sections or legal subdivisions by fixing the corners of such townships, sections, quarter-sections, or legal subdivisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister directs, and the describing of such townships, sections, quarter-sections, or legal subdivisions for patent by metes and bounds according to a plan of record. 55-56 V., c. 15, s. 2.

DISPOSAL OF DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

CERTAIN SECTIONS AND PARTS OF SECTIONS IN CERTAIN TOWNSHIPS TO BE HUDSON'S BAY

COMPANY'S LANDS.—Sec. 22. In every fifth township in the territory surrendered to the Crown by the Hudson's Bay Company, and described and designated as the "fertile belt," that is to say: in those townships numbered five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty, and so on in regular succession northerly from the International Boundary, the whole of sections numbers eight and twenty-six, and in each and every of the other townships, the whole of section number eight, and the south half and north-west quarter of section number twenty-six, except in the cases hereinafter provided for, shall be known and designated as the lands of the said Company.

COMPANY'S LANDS IN FRACTIONAL TOWNSHIPS.—2. The Company's one-twentieth of the lands in fractional townships shall be satisfied out of one or other or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships, and the allotment thereof shall be effected by the Minister and the said Company, or by some person duly authorized by them respectively.

COMPANY MAY SELECT LANDS IN LIEU OF ANY FOUND SETTLED UPON BY AUTHORITY.—3. If, when the survey of a township is effected, the sections so alloted, or any of them, or any portion of them, are found to have been bona fide settled on under the authority of any Order in Council, or of this Act, the Company may, if it foregoes its right to the sections settled upon as aforesaid, or any one or more of such sections, select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

COMPANY'S LANDS NOT TO BE INCLUDED IN TIMBER LIMITS.—4. When the sections and parts of sections above mentioned are situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such township, but shall be the property of the Company.

COMPANY TO HAVE ONE-TWENTIETH OF REVENUE FROM TIMBER LIMITS IN UNSURVEYED LANDS IN FERTILE BELT.—5. One-twentieth of the revenue derived from timber limits granted in unsurveyed terri-

tory within the fertile belt, as hereinafter provided, shall, so long as the townships comprised in the same remain unsurveyed, be annually paid and accounted for to the Company; but such one-twentieth shall cease or be diminished in proportion as the townships comprised in such limits, or any of them, are surveyed; and in such case the Company shall receive their one-twentieth interest in the lands in such townships, in sections eight and twenty-six, as hereinbefore provided.

AS TO LANDS FOUND DENUDED OF TIMBER.—6. If the said sections, or either of them, when surveyed as aforesaid, prove to have been denuded of timber by the lessee, to the extent of one-half or more, the Company shall not be bound to accept such section or sections so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from any unoccupied lands in the township.

TITLE TO LANDS TO PASS TO COMPANY WITHOUT PATENT IN CERTAIN CASES. ISSUE OF PATENTS IN OTHER CASES.—7. As townships are surveyed, and the respective surveys thereof are confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the Company shall be duly notified thereof by the Minister, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company is entitled under this clause, as aforesaid, and to vest the same in the Company, without the issue of a patent for such lands; and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth in townships other than the above, as provided in sub-clauses two and three of this clause, returns thereof shall be made in due course by the local agent or agents, to the Dominion lands office, and patents shall issue for the same accordingly. 46 V., c. 17, s. 18.

SCHOOL LANDS.

SECTIONS 11 AND 29 IN EACH TOWNSHIP SET APART, AND WITHDRAWN FROM SALE OR HOMESTEAD ENTRY.—Sec. 23. Sections eleven and twenty-nine

in every surveyed township throughout the extent of the Dominion lands are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn from the operation of the clauses of this Act which relate to the sale of Dominion lands and to homestead rights therein; and no right to purchase or to obtain homestead entry shall be recognized in connection with the said sections, or any part of them. (46 V., c. 17, s. 19.)

R. S. C., c. 54, s. 23 AMENDED. RIGHTS OF SETTLER ON SCHOOL LANDS BEFORE SURVEY. OTHER LANDS TO BE SET APART AS SCHOOL LANDS INSTEAD.—Provided, that any person who is proved to the satisfaction of the Minister to have bona fide settled and made improvements upon any such section before the survey of the township containing such section, may be granted a homestead entry for the land so occupied by him, not in excess of one hundred and sixty acres, if such lands are in other respects of the class open to homestead entry: Provided, further, that in every such case the Minister shall select from the unclaimed lands in the township an area equal to that for which entry is granted, and shall by notice in the Canada Gazette withdraw it from sale and settlement and set it apart as school lands. 57-58 V., c. 26, s. 1.

HOW TO BE ADMINISTERED.—Sec. 24. The school lands shall be administered by the Minister under the direction of the Governor in Council. 46 V., c. 17, s. 20, part.

SALE TO BE BY PUBLIC AUCTION.—Sec. 25. All sales of school lands shall be at public auction, and an upset price shall be fixed, from time to time, by the Governor in Council; but in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands are situate.

TERMS OF PAYMENT.—2. The terms of sale of school lands shall be at least one-fifth in cash at the time of sale, and the remainder in four equal successive annual instalments, with interest at the rate of six per cent per annum, which shall be paid with each instalment on the balance of purchase money, from time to time, remaining unpaid.

INVESTMENT OF PURCHASE MONEYS, AND DISPOSAL OF INTEREST THEREON.—3. All moneys, from

time to time, realized from the sale of school lands, shall be invested in securities of Canada, to form a school fund, and the interest arising therefrom after deducting the cost of management, shall be paid annually to the Government of the Province or Territory within with such lands are situated, towards the support of public schools therein; and the moneys so paid shall be distributed for that purpose by the Government of such Province or Territory in such manner as it deems expedient. 46 V., c. 17, s. 20, part.

MILITARY BOUNTY LAND SCRIP.

WARRANTS INSTEAD OF SCRIP FOR MILITARY SERVICES.—Sec. 26. In all cases in which land scrip has been earned, or is hereafter given by Canada, for military services, warrants therefor shall be granted in favor of the persons entitled thereto, by the Minister of Militia and Defense; and such warrants shall be recorded in the Department of the Interior.

MAY BE GIVEN IN PAYMENT FOR LANDS. PROVISO.—2. Such warrants shall be received at the value shown upon their face, in payment for any Dominion lands open for sale; but no greater area in any township than twenty per cent of the land, exclusive of school and Hudson's Bay Company's lands, shall be open for entry by military bounty warrants.

AS TO ACCEPTANCE OF WARRANTS AS PURCHASE MONEY.—3. When warrants are accepted as purchase money, any deficiency shall be payable in cash; but if any payment by warrant or by amount in warrants, is in excess of the amount of the purchase money, the excess shall not be returned by the Crown. 46 V., c. 17, s. 21.

ASSIGNMENTS NOT ALLOWED, BUT WARRANTS TO BE PAYABLE TO BEARER.—Sec. 27. Assignments of military bounty warrants, or of the expectancy of the same, shall not be recognized; but the warrants shall, similarly to other land scrip, be considered payable to bearer; the warrantees shall be at all risk of their loss, and no warrant shall be duplicated.

AND TO PASS TO LEGAL REPRESENTATIVES.—2. If any person entitled to a military bounty warrant dies before it is issued, the warrant shall issue in favor of the legal representative or representatives of such deceased person. 46 V., c. 17, s. 22.

GRANTS UNDER ORDER IN COUNCIL OF 25TH APRIL, 1871, CONFIRMED.—Sec. 28. All free grants of land made under an order of the Governor in Council, dated the twenty-fifth day of April, one thousand eight hundred and seventy-one, by which it was declared that the officers and soldiers of the first or Ontario, and the second or Quebec battalion of rifles, then stationed in Manitoba, whether in the service or in depot companies, and not dismissed therefrom should be entitled to a free grant, without actual residence, of one quarter-section, are hereby confirmed, and the Minister of Militia and Defense shall issue the necessary warrants therefor accordingly.

ASSIGNMENTS OF GRANTS UNDER SUCH ORDER, ATTESTED AS HEREIN MENTIONED, RECOGNIZED.—2. Every assignment of his interest by a person so entitled duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers, attached thereto, and filed in the Dominion lands office before the issue of the warrant, shall be held to transfer in each case the interest of the person so entitled in the warrant when issued—which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the person entitled thereto, or for location. 46 V., c. 17, s. 23.

SALE OF DOMINION LANDS.

AS TO SALE OF SURVEYED LANDS.—Sec. 29. Dominion lands, as the surveys thereof are duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase, at such prices, and on such terms and conditions as are fixed, from time to time, by the Governor in Council; but no purchase shall be permitted at a less price than one dollar per acre.

NOT MORE THAN 640 ACRES TO ONE PERSON.—2.

Except in special cases in which the Governor in Council otherwise orders, no sale to one person shall exceed a section, or six hundred and forty acres.

MAY BE RESTRICTED.—3. Sales shall be restricted, when the Governor in Council deems it expedient, to the odd-numbered sections in each township.

SALE BY AUCTION IN CERTAIN CASES.—4. Such unoccupied lands as the Minister deems expedient, from time to time, may, when he so orders, be withdrawn from ordinary sale and settlement, and sold at public auction to the highest bidder—an upset price being fixed for the same.

AS TO WATER POWERS, &c.—5. Every legal subdivision or other portion of Dominion lands, which includes a water power, harbor or stone quarry, shall be reserved from ordinary sale, and shall be disposed of in such manner, and on such terms and conditions, as are fixed by the Governor in Council, on the report of the Minister. 46 V., c. 17, s. 24.

TOWN PLOTS, &c.

MINISTER MAY RESERVE TRACTS FOR TOWN PLOTS, &c. Sec. 30. The Minister may withdraw from sale or homestead entry any tract or tracts of land, and may lay the same out into town or village lots; and the lots so laid out shall be sold, either by private sale, and for such price as the Minister sees fit, or at public auction,—an upset price being fixed for the same:

ARRANGEMENT WITH ANY RAILWAY COMPANY AS TO SALE OF SUCH LANDS. 2. When the lands withdrawn from sale or homestead entry, to be laid out into town or village lots, are adjacent to lands to which any railway company is entitled, the Minister may arrange with such company that the lands so withdrawn, and such lands of the company in the town or village as are agreed upon, shall be sold on joint account, and on such terms as appear just and equitable; and the lands so withdrawn may be granted to the company, or to such person as the Government and the company agree upon, for the purposes of such sale.

CONVEYANCE FROM GRANTEE. 3. A deed from the

grantee to the purchaser of any lands so withdrawn and sold, shall give the latter a good and valid title, free from all charges, encumbrances and trusts not expressed in the deed of conveyance executed by the grantee. 46 V., c. 17, s. 25.

GOVERNOR IN COUNCIL MAY SET APART LANDS FOR OTHER PUBLIC PURPOSES. Sec. 31. The Governor in Council may set apart and appropriate such Dominion Lands as he deems expedient, for the sites of market places, jails, court-houses, places of public worship, burying-grounds, schools, benevolent institutions, and squares, and for other similar public purposes, and, at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient; and he may make free grants, for the purposes aforesaid, of the lands so appropriated, the trusts and uses to which they are to be subject being expressed in the letters patent. 46 V., c. 17, s. 26.

HOMESTEAD.

ENTRY FOR HOMESTEAD RIGHTS; AREA LIMITED. Sec. 32. Every person who is the sole head of a family, and every male who has attained the age of eighteen years, who makes application in the form A in the schedule to this Act, shall be entitled to obtain homestead entry for any quantity of land not exceeding one quarter-section, which is of the class of land open, under the provisions of this Act, to homestead entry; and such person shall, at the same time as he obtains his entry, declare under which of the conditions prescribed by clause thirty-eight of this Act he elects to hold the land affected by such entry. 50-51 V., c. 31, s. 2.

PRE-EMPTION ENTRY THEREWITH. 2. Such person may also, in connection with such homestead entry, obtain at the same time, but not at a later date, a pre-emption entry for an adjoining unoccupied quarter-section, or part of a quarter-section, of land of the said class:*

EFFECT OF SUCH HOMESTEAD AND PRE-EMPTION ENTRY. EXEMPTION FROM EXECUTION. 3.

*N. B.—See, however, provisions of clause 46, discontinuing pre-emption entry since 1st January, 1890. Post page 201.

The entry for a homestead and for its attached pre-emption, if any, shall entitle the recipient to take, occupy and cultivate the land entered for, and to hold possession of the same to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed on the said land; the title to the land shall remain in the Crown until the issue of the patent therefor, and the land shall not be liable to be taken in execution before the issue of the patent:

TO APPLY ONLY TO AGRICULTURAL AND SURVEYED LANDS. 4. The privilege of homestead and pre-emption entry shall only apply to surveyed agricultural lands; no person shall be entitled to such entry for land valuable for its timber, or for hay land, or for land on which there is a stone or marble quarry, or coal or other mineral having commercial value, or whereon there is any water power which may serve to drive machinery, or for land which, by reason of its position, such as being the shore of an important harbor, bridge site, or canal site, or being either an actual or prospective railway terminus or station, it is in the public interest to withhold from such entry. 46 V., c. 17, s. 27.

AS TO RIGHTS OF PERSONS WHO HAVE SETTLED ON LANDS BEFORE SURVEY. Sec. 33. Whenever the survey of any township has been finally confirmed and such township opened for homestead entry, any person who has bona fide settled and made improvements before such confirmed survey on land in such township, shall have a prior right to obtain homestead entry for the land so settled on, if such right is exercised within three months after the land is open for settlement, and if such land has not been reserved or the right to homestead entry is not excepted under the provisions of this Act.

AS TO HOMESTEAD ENTRY THEREAFTER. 2. No homestead entry shall be granted to any other person in respect of such land until three months after notice in writing has been given by the local agent to such bona fide settler that such land is open for settlement. 46 V., c. 17, s. 28.

AFFIDAVIT TO BE MADE BY APPLICANT FOR HOMESTEAD ENTRY. FEE. Sec. 34. Every person applying for homestead entry shall appear and make affidavit before the local agent, or, in his absence, the senior clerk per-

forming his duties, according to the form B, C, or D in the schedule to this Act, as the circumstances of the case require; and upon filing such affidavit with such local agent, or senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the local agent, or senior clerk, according to the form E in the schedule to this Act; and such receipt shall be a certificate of entry and shall be authority to the person obtaining it to take possession of the land described in it.

FURTHER FEE ON PRE-EMPTION ENTRY. 2. If a person who obtains homestead entry applies for and obtains at the same time a pre-emption entry, he shall pay to the local agent, or senior clerk, a further office fee of ten dollars, and shall receive therefor from him a receipt in like form, and having like effect to that prescribed for homestead entry.

HOW ENTRIES ARE TO BE MADE ON BEHALF OF ANOTHER PERSON. 29 June, 1897. The Minister of the Interior or any member of the Dominion Lands Board or any other person named for the purpose by the Minister upon requisition, may authorize any person named therein to make a homestead entry or homestead and pre-emption entries, on behalf of any person signing such requisition and desiring to obtain such entry or entries.

APPLICATION IN SUCH CASE. 4. The person so authorized shall, in order to obtain such entry or entries, make application in the form F in the schedule to this Act, on behalf of each of those whom he represents, and shall make an affidavit before the local agent, or, in his absence, the senior clerk performing his duties, according to the form G, H or J, in the schedule to this Act, as the circumstances of the case require; and shall pay for each homestead entry, and for each pre-emption entry, the office fee of ten dollars hereinbefore prescribed for such entry. 49 V., c. 27, s. 4; and 54—55 V., c. 24, s. 1.

INVESTIGATION IN CASE OF DISPUTE BETWEEN PERSONS CLAIMING ENTRY FOR THE SAME LAND. Sec. 35. If a dispute arises between persons claiming the right to homestead entry for the same land, the local agent, or any person thereto authorized by the Minister, shall make investigation and obtain evidence respecting the facts; and his report

thereon, together with the evidence taken, shall be referred to the Minister for decision, or to the Dominion Lands Board, or Commissioner of Dominion Lands, or such person as is appointed by the Governor in Council to consider and decide in cases of such disputes.

FIRST SETTLER ENTITLED TO ENTRY, UNLESS CONTRARY TO PUBLIC INTERESTS. 2. When two or more person have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereon shall be entitled to such entry, if the land is of the class open to homestead entry, and if it is not in the opinion of the Minister otherwise expedient, in the public interest, to entertain any application therefor.

PROVISION IN CASE CONTENDING PARTIES HAVE MADE VALUABLE IMPROVEMENTS. 3. When contending applicants have made valuable improvements on the land in dispute the Minister may, if the application to acquire the land by homestead entry is entertained by him, order a division thereof in such manner as shall preserve to each of the parties to the dispute, as far as practicable, his improvements; and the Minister may, at his discretion, direct that the difference between the extent of the land so allotted to each of them and a quarter-section shall be made up from unoccupied land adjoining, if there is any such of the class open to homestead entry. 46 V., c. 17, s. 30.

DELAY FOR PERFECTING ENTRY LIMITED. Sec. 36. Every person who has obtained homestead entry shall be allowed a period of six months from its date within which to perfect the entry, by taking, in his own person, possession of the land and beginning continuous residence thereon and cultivation thereof; and if the entry is not perfected within that period, it shall be void, and the land shall be open to entry by another person, or to other disposition under this Act by the Minister:

PROVISO: AS TO ENTRY OBTAINED AFTER FIRST SEPTEMBER. 2. Provided, that every person who obtains entry on or after the first of September in any year, and whose term for perfecting the same expires before the first day of June following, shall be allowed an extension of time to the latter date within which to perfect his duty:

PROVISO: IN CASE OF IMMIGRANTS FROM PLACES OUT OF N. AMERICA. 3. Provided further, that in the case of emigrants from elsewhere than the North American continent, the Governor in Council may extend the time for the perfecting of entry to twelve months from the date thereof. 46 V., c. 17, s. 31.

CASE OF IMMIGRANTS FORMING A HAMLET OR VILLAGE. Sec. 37. If a number of homestead settlers, embracing at least twenty families, with a view to greater convenience in the establishment of schools and churches, and to the attainment of social advantages of like character, ask to be allowed to settle together in a hamlet or village, the Minister may, in his discretion, vary or dispense with the foregoing requirements as to residence, but not as to the cultivation of each separate quarter-section entered as a homestead. 46 V., c. 17, s. 32.

WHEN AND ON WHAT CONDITIONS A SETTLER MAY OBTAIN HIS PATENT. Sec. 38. At the expiration of three years from the date of his perfecting the homestead entry, the settler, or in case of his death, his legal representatives, upon proving, to the satisfaction of the local agent, or, in his absence, the senior clerk performing his duties, that he or they, or some of them, have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land, if such proof is accepted by the Commissioner of Dominion Lands, or the Land Board; but the patent therefor shall not issue to any person who is not a subject of Her Majesty by birth or naturalization.

CASE OF SETTLER OBTAINING ENTRY BEFORE SURVEY. 2. In the case of a settler who obtains homestead entry for land occupied by him previous to survey thereof, in the manner hereinbefore mentioned, residence upon and cultivation of the land for the three years next preceding the application for patent shall, for the purpose of the issue of patent, be held equivalent to that prescribed in the foregoing sub-clause, if such residence and cultivation are otherwise in conformity with the provisions of this Act:

OR RESIDING TWELVE MONTHS AND PERFORMING OTHER DUTIES BEFORE THE END OF THREE YEARS. 3. Every person who proves that he has resided on

the land for which he has homestead entry for twelve months from the date of his perfecting his entry therefor, and that he has brought under cultivation at least thirty acres thereof, may, before the expiration of the three years defined in sub-clause one of this clause, obtain a patent by paying the Government price at the time for the land.

PROOF OF RESIDENCE AND CULTIVATION IN SUCH CASE. Amended 29 June, 1897. Proof of residence, erection of a habitable house and cultivation, required by this clause, shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested witnesses, resident in the vicinity of the land to which their evidence relates, and shall be subject to acceptance as sufficient by the Commissioner of Dominion Lands or the Land Board; and such affidavit shall be sworn, and such evidence given, before the local agent or his senior assistant or before some other person named for that purpose by the Minister.

RIGHT OF SETTLER WHO HAS OBTAINED PRE-EMPTION ENTRY AND PAYS THE PRICE. FORFEITURE IN DEFAULT. PROVISO AS TO SECOND HOMESTEAD ENTRY. 5. If, in connection with the homestead entry, the settler has obtained a pre-emption entry, in accordance with the provisions of this Act, he shall, on becoming entitled to a patent for his homestead, be also entitled to a patent for the land included in such pre-emption entry, on payment of the price fixed, in accordance with the provisions of this Act, by the Governor in Council; but such pre-emption right, if not exercised and payment made within two years after the settler becomes entitled to claim a patent under his homestead entry, shall be forfeited, and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior: Provided, however, that where a settler has had a homestead and pre-emption entry, and has obtained a patent for his homestead in time to entitle him to make a second homestead entry, and has been permitted to make a second homestead entry for the quarter-section which was previously his pre-emption, he shall be entitled to a patent under such second homestead entry upon proving—

RESIDENCE. (1.) That he has resided upon the quarter-section which was the subject of his first homestead entry for

not less than six months in each of three years from and after the date of his second homestead entry.

BREAKING LAND. (2.) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than fifteen acres of his homestead quarter-section.

SECOND YEAR. (3.) That within the second year after the date of his second homestead entry he cropped the said fifteen acres, and broke and prepared for crop not less than fifteen acres in addition on his second homestead quarter-section, making not less than thirty acres.

THIRD YEAR. (4.) That within the third year after the date of his second homestead entry he cropped the said thirty acres, and broke and prepared for crop not less than ten acres in addition, making in all not less than forty acres of the said second homestead broken and prepared for crop within three years of the date of his second homestead entry.

RESIDENCE EXPLAINED. And the residence described in this sub-clause shall be sufficiently fulfilled if the applicant has not been absent from his residence for more than six months in any one year. 55—56 V., c. 15, s. 3.

6*

7*

NOTICE OF APPLICATION FOR PATENT. 8. Every person who has obtained a homestead entry, and who purposes to apply for a patent for such homestead, shall give six months' notice in writing to the Commissioner of Dominion Lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application, that such notice has been duly given. 46 V., c. 17, s. 33;—47 V., c. 25, ss. 2 and 3;—49 V., c. 27, ss. 5 and 6.

SECOND HOMESTEAD ENTRY BY SETTLER OR HIS SON. 29 June, 1897. 9. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed in this Act, and

* N. B.—The provisions of these two sub-clauses, "6" and "7," have been left out of this consolidation as they have not been in force since the 1st January, 1894. (See 54-55 V., c. 21, s. 5.)

has obtained entry for a second homestead, or if any son of such settler, who has attained the age of eighteen years, has obtained entry for a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied, in the case of the parent, by residence upon his first homestead, and, in the case of a son, by residence upon the parent's homestead.

CONDITIONS ON WHICH PATENT MAY BE OBTAINED. 29 June, 1897. 10. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister or of the Commissioner of Dominion Lands or of the Dominion Lands Board—

RESIDENCE. (a.) That he has fulfilled three years' residence upon the land which is the subject of his entry, if the land is a homestead, and upon his homestead if the land is pre-emption, in accordance with the provisions as to three years' residence upon a homestead which are explained in this Act.

CULTIVATION. (b.) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced.

CATTLE. (c.) That he has at least forty head of cattle upon such land.

BUILDINGS. (d.) That he has erected on such land, or upon land occupied by him in the vicinity, stables and outhouses sufficient to winter at least forty head of cattle.

FORFEITURE OF RIGHT:—BY NON-RESIDENCE. Sec. 39. If it is proved to the satisfaction of the Minister,—

(a.) That the settler has not resided upon and cultivated his homestead, except as herein provided, for at least six months in any one year; or—

BY NON-COMPLIANCE WITH THE CONDITIONS OF SUB-CLAUSE FIVE OF CLAUSE THIRTY-EIGHT. (b.) In case he has obtained his entry under and in accordance with sub-clause five of the next preceding clause, that he has failed to erect a habitable house and to commence actual

residence in the same and cultivation of the land within six months of the date of such entry, and to continue and maintain such residence and cultivation as required by the said subclause, or that he has failed to make permanent improvements on the land to the aggregate value of one dollar and fifty cents per acre within three years from the time allowed for the perfecting his entry.

(c.) *

(d.) *

EFFECT OF FORFEITURE. The right to the land shall be forfeited, and the entry thereof shall be canceled; and the settler so forfeiting his entry shall not be eligible to obtain another entry, except in special cases, in the discretion of the Minister. 54-55 V., c. 24, s. 7.

FORFEITURE OF RIGHT TO PATENT. Sec. 39a. Failure on the part of any person who has obtained a homestead entry under the "Dominion Lands Act," to apply, as hereinbefore provided, for the patent for his homestead within a period of five years from the date of his homestead entry, shall render his right liable to forfeiture, in the discretion of the Minister of the Interior. 54-55 V., c. 24, s. 7.

IN CASE OF SICKNESS TIME MAY BE EXTENDED. Sec. 40. In case of illness, vouched for by sufficient evidence, or in the cases of immigrant settlers returning to their native land to bring their families to their homesteads, or in other special cases, the Minister may, in his discretion, grant an extension of time during which such settler may be absent from his homestead, without prejudice to his right therein; but the time so granted shall not be reckoned as residence. 46 V., c. 17, s. 34, part.

SALE OF HOMESTEAD OF WHICH ENTRY IS CANCELED. Sec. 41. Every homestead, the entry of which has been canceled, may, in the discretion of the Minister, be held for sale of the land with the improvements, if any—or of the

*N. B.—The provisions of these two clauses "(c.)" and "(d.)" have been left out of this consolidation as the provisions to which they refer, sub-clauses "6" and "7" of clause 38, have not been in force since 1st January, 1894. (See 54-55 Vic., c. 24, s. 5.)

improvements only, in connection with homestead entry thereof —to a person other than the person whose entry is canceled. 46 V., c. 17, s. 35.

ASSIGNMENTS BEFORE ISSUE OF PATENT BY LOCAL AGENT. June 29, 1897. Sec. 42. Unless the Minister otherwise declares, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void; and unless the Minister otherwise declares, the person so assigning or transferring, or making an agreement to assign or transfer, shall forfeit his homestead and pre-emption right, and shall not be permitted to make another homestead entry; provided that a person whose homestead or homestead and pre-emption have been recommended for patent by the local Agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence by a member of the Dominion Lands Board, may legally dispose of and convey assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned.

ASSIGNMENT OF PRE-EMPTION RIGHTS. Sec. 42*a*. After a homestead has been recommended for patent, the holder of the pre-emption right may legally dispose of, convey, assign or transfer his right and title in the land for which he holds the pre-emption entry; and this provision shall also apply retrospectively, but shall have no force or effect as respects any land in relation to which the subject matter of this clause has already been adjudicated upon or is in question in any court of competent jurisdiction. 54-55 V., c. 24, s. 13.

ASSIGNMENTS AND TRANSFERS, MADE BEFORE PATENT HAS ISSUED, NOT NULL. BUT MAY BE DECLARED SO. PROVISO. Sec. 42*b*. As respects every assignment or transfer of a homestead or pre-emption right held or acquired under the said Act, or any prior Acts relating to Dominion Lands, in whole or in part, and every agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the date

of the passing of this Act, no such assignment or transfer or agreement shall be ipso facto null and void, nor shall any forfeiture accrue in respect thereof; but the Minister of the Interior may declare any such assignment or transfer or agreement to be null and void, and such forfeiture to have accrued, or either, and such declaration shall have force and effect as if herein enacted: Provided that no such declaration shall have force and effect in any case in which a patent for any homestead or pre-emption land has issued previous to the date of such declaration, unless the patent has issued through fraud, error or improvidence.

SAVING CLAUSE. 2. Nothing in the next preceding sub-clause contained shall in any manner have force or effect as respects any lands in relation to which the subject-matter of the said sub-clause has already been adjudicated upon, or is in question in any court of competent jurisdiction. 58-59 V., c. 34, s. 5.

NO SECOND HOMESTEAD ENTRY. EXCEPTION. CHAP. 17 OF 1883. Sec. 43. No person who has obtained a homestead patent or certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause* mentioned, shall be entitled to obtain another homestead entry: Provided, however, that any person who, on the 2nd day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or a certificate of recommendation for a patent countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the Dominion Lands Act, 1883, to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry. 55-56 V., c. 15, s. 4.

MINISTER TO SANCTION PLANS FOR ADVANCING

*N.B.—The clause herein referred to is 42 of this consolidation and not 42*b*.

MONEY TO SECTION. Sec. 44. If any person or company is desirous of assisting, by advances in money, intending settlers to place themselves on homestead lands in Manitoba or the Northwest Territories, and of securing such advances, such person or company may make application to the Minister, stating the plan or project intended to be acted upon, the steps to be taken in furtherance thereof, and the amount to be advanced to such settlers; and the Minister may sanction and authorize such plan or project, or refuse his sanction and authority thereto: (49 V., c. 27, s. 9, ss. 1.)

STATEMENT OF EXPENSES TO BE FURNISHED TO SETTLER. — VERIFICATION OF STATEMENT. — SETTLER TO MAKE ACKNOWLEDGMENT. — CHARGE CREATED. PROVISO: ACKNOWLEDGMENT MAY BE TAKEN AT ONCE.—CHARGE CREATED IN SUCH CASE. 2. If such plan or project is so sanctioned and such person or company thereupon places any settler upon a homestead, a statement of the expenses incurred by such person or company in paying the actual bona fide cost of the passage and freight of paying for the homestead entry, or homestead and pre-emption entry, as the case may be, of providing medical attendance and for the subsistence of such settler and his family, of providing materials for buildings and of erecting buildings on his homestead and of insuring the said buildings (to which purposes one-half of the advance may be devoted), of breaking land on such homestead, and of providing horses, cattle, house furniture, farm implements and seed grain for him, in which statement a sum not exceeding ten dollars for the cost of selecting the homestead, placing the settler thereon and legal expenses, and also an amount in money to cover interest on the amount advanced for a time to be agreed upon to enable such settler to obtain a return from the cultivation of such homestead, may be included, shall be furnished to such settler, and shall also be submitted with proper vouchers in support thereof to the local agent, a homestead inspector or other agent appointed by the Minister of the Interior, and the local agent, inspector, or other agent so appointed shall examine and verify the same both by such vouchers and by an examination under oath of such settler and of such person or company or their representative, and shall certify the result of such verification by a writing upon such statement signed by him; and

thereupon such settler shall make and execute an acknowledgment in writing of the amount so advanced to him, and shall, by such writing, create a charge in the form L in the schedule to this Act upon such homestead for the amount of such advance not exceeding the sum of six hundred dollars, and for the interest thereon at a rate not exceeding eight per cent per annum: Provided always, that it shall be competent for the person or company proposing to make such advance to take at once from an intending settler an acknowledgment in the form R in the schedule to this Act, and that such acknowledgment shall operate as a charge upon the homestead for which such settler obtains entry, to the extent that is certified by the local agent, homestead inspector or other agent appointed by the Minister of the Interior, for any sum not exceeding six hundred dollars, and for the interest thereon at a rate not exceeding eight per cent per annum, upon presentation to him of vouchers or other satisfactory evidence that the advance for which a charge is proposed to be created has actually been made to the settler and that the settler has been actually placed on such homestead. 52 V., c. 27, s. 5; and 54-55 V., c. 24, s. 8.

DEPOSIT OF DUPLICATE.—HOLDER'S RIGHTS.—PAYMENT OF INTEREST.—PAYMENT OF CAPITAL.—ASSIGNMENT OF CHARGE.—LIMIT OF ADDITIONAL CHARGES. 3. A duplicate of such acknowledgment and charge shall be deposited with the local agent, and thereafter the holder of such charge shall have the right to enforce payment of the amount so advanced and of the interest thereon by ordinary legal proceedings: Provided always, that the time to be fixed for the payment of the first instalment of interest upon such advance shall not be earlier than the first day of November in any year, nor shall it be within less than two years from the establishment of such settler upon such homestead; provided also, that such settler shall not be bound to pay the capital of such advance, or any part thereof, within a less period than four years from the date of his establishment upon such homestead; and provided also, that the holder of such charge may, subject to the approval of the Minister of the Interior, assign the same, and shall be deemed always to have had such power, subject to the approval of the Minister of the Interior; and provided further, that additional charges may, from time to time, be created on such homestead in the manner hereinabove

provided, so long as the aggregate amount of the capital of the advances so charged thereon does not, at any time, exceed the said sum of six hundred dollars. 54-55 V., c. 24, s. 9.

REGISTRATION. 4. Upon such acknowledgment and charge being duly executed and duly registered in the registry office for the registration district in which such homestead is situated, the same shall constitute and be and remain a first charge upon such homestead after the issue of the patent or certificate of patent for such homestead, until duly satisfied and extinguished according to law:

PROVISION IN CASE THE SETTLER FORFEITS HIS RIGHT TO A PATENT.—RIGHT MAY PASS TO HOLDER OF CHARGE.—DUTIES OF HOLDER IN SUCH CASE.—PROVISION WHEN RIGHT TO PATENT HAS BEEN ACQUIRED. 5. If such settler has not performed the conditions of settlement required to entitle him to a patent for such homestead within the time and in the manner provided by this Act, and has thereby forfeited his right to obtain a patent, the holder of the charge created thereon may apply to the Minister for a patent of such homestead, and upon establishing the facts to the satisfaction of the Minister, shall receive a patent in his name therefor; and such patentee shall be bound to place a bona fide settler on such homestead by the sale thereof to such settler or otherwise within two years from the date of such patent, and in default of so doing within the said period shall be bound and obliged on demand to sell the said homestead to any person willing to become a bona fide settler thereon, for such sum of money as is sufficient to pay the amount of such charge and interest, and the expenses incurred by the patentee in obtaining such patent and in retaining the homestead, on pain, in case of refusal, of an absolute forfeiture of the said property and of all claims thereon and of the patent or other title thereto. But if the settler has acquired a right to receive a patent for the land so charged and does not apply for the issue of the same, the holder of such charge may obtain such patent, or certificate for patent, in the name of the person entitled to receive the same or of his legal representatives, and thereafter the said charge shall become a statutory mortgage on such homestead. 49 V., c. 27, s. 9, part.

CERTAIN ACKNOWLEDGMENTS OF MONEY AD-

VANCED TO SETTLERS RATIFIED.—PROVISO: AS TO NATURE OF CHARGE THEREBY CREATED. Sec. 44*a*. Every acknowledgment entered into which purports to be so entered into in accordance with the provisions of clause forty-four of "The Dominion Lands Act," and which has been examined, verified and certified by a local agent or a homestead inspector, previous to the date of the passing of this Act, is hereby ratified and confirmed, notwithstanding any departure from the conditions of the said clause forty-four, and shall have force and effect as if no such departure had taken place: Provided, however, that no such acknowledgment shall be deemed to create a charge in respect of any moneys advanced or paid for any purposes other than those for which an advance is authorized by the said clause forty-four, except the cost of materials for buildings, house furniture, breaking land on homestead, the entry fee for the homestead, and legal expenses not exceeding ten dollars.

VALIDATION OF ACKNOWLEDGMENTS EXAMINED BY HOMESTEAD INSPECTORS. 2. Every acknowledgment entered into in pursuance of the said clause forty-four, and which has been submitted, with the proper vouchers in support thereof, to a homestead inspector, instead of to a local agent, as provided by the said clause, and which has been examined, verified and certified by such inspector, and subsequently registered at the office of any local agent, or in the books of the Minister of the Interior, shall be valid and binding in like manner as if the same had been examined, verified and certified by a local agent, as provided by the said clause. 52 V., c. 27, s. 4.

BOARD VESTED WITH CERTAIN POWERS. Sec. 44*b*. The board constituted in the manner and for the purposes set forth in the preamble to this Act shall be vested with all the powers conferred upon persons or companies by section forty-four of chapter fifty-four of the Revised Statutes of Canada, as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign and chaptered thirty-one, and such board and any persons who accept the assistance of the said board for the purpose of placing themselves on homestead lands shall be subject to all the provisions of the said before cited section as so amended. 51 V., c. 21, s. 1.

(N. B.—The foregoing clause, which has been included in this consolidation as 44b, is clause 1 of 51 Victoria, chap. 21; and the following is a preamble to that Act:—

PREAMBLE.—BOARD OF ADMINISTRATION OF COLONIZATION FUND. Whereas a fund is in course of being raised to enable a scheme to be inaugurated for the colonization of crofters and cotters from the West Highlands and islands of Scotland in Canada; and whereas it is proposed to establish a board for the administration of such fund, consisting of commissioners representing the private subscribers to the said fund and any land company which may co-operate in and give its assistance to the said scheme: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—)

APPLICATION OF CLAUSE 14. Sec. 44c. The provisions of clause forty-our of "The Dominion Lands Act," as amended by the Act fifty-second Victoria, chapter twenty-seven, and by this Act, may be applied, at the option of any person interested, to any lands affected by advances made under any Act in that behalf heretofore in force. 54-55 V., c. 24, s. 10.

TRANSFER OF CHARGE TO SECOND HOMESTEAD. Sec. 44d. Any settler who has created a charge upon his homestead for an advance under the provisions of "The Dominion Lands Act," may obtain entry for another homestead in lieu thereof, if the Minister of the Interior and the holder of such charge consent thereto and such settler executes a transfer of such charge to the new homestead; and upon such entry being so made, the charge so created shall operate as a first charge upon the new homestead for the amount of such advance still unpaid, and shall cease to be a lien upon the abandoned homestead.

APPLICATION OF CLAUSE. 2. The provisions of this clause may be applied to any settler who has already obtained entry for a new homestead in lieu of the homestead upon which he had created a charge for such advance. 54-55 V., c. 24, s. 11.

CERTAIN ENACTMENTS TO APPLY TO SUCH CHARGES. Sec. 45. Clause seven of the "Act respecting In-

terest," shall apply to all charges created under the next preceding clause (*) of this Act. 49 V., c. 27, s. 9, part.

DISCONTINUANCE OF PRE-EMPTIONS.

PRE-EMPTION TO BE DISCONTINUED AFTER 1ST JANUARY, 1890. Sec. 46. The privilege of pre-emption, in connection with a homestead entry, shall be discontinued from and after the first day of January, in the year one thousand eight hundred and ninety. 49 V., c. 27, s. 10.

MINING AND MINING LANDS.

MINERAL AND COAL LANDS. Sec. 47. Lands containing coals or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor-General in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing, or other disposal thereof: Provided, however, that no disposition of mines or mining interests in the said park shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years. 55-56 V., c. 15, s. 5.

GOLD OR SILVER MINES NOT TO PASS BY GRANT OF LAND CONTAINING THEM. Sec. 48. No grant from the Crown of lands in freehold or for any less estate shall be deemed to have conveyed or to convey the gold or silver mines therein, unless the same are expressly conveyed in such grant. 46 V., c. 17, s. 43.

RIGHTS OF DISCOVERERS OF MINERALS. Sec. 49. Every discoverer of minerals upon surveyed or unsurveyed lands, or his assigns and associates, who had applied for a grant of such lands before the passing of the Act passed in the forty-third year of Her Majesty's reign, chapter twenty-six, shall be held to have the same rights as if that Act had not been passed. 46 V., c. 17, s. 44.

* N. B.—The clause herein referred to is 44 of this Act.

PREVENTION OF POLLUTION OF WATER. Sec. 49a. Whenever lands are entered for either as a homestead or pre-emption, or sold or otherwise disposed of, and such lands contain or border upon a coulee or ravine, which has been utilized for the purpose of forming a reservoir for the storage of water, or which, in the opinion of the Minister, or of the Agent or other officer by whom such entry is issued or such sale or disposal is made, is capable of being so utilized to advantage, such entry may be issued or such sale or disposal made subject to the condition that no building shall be erected within a specified distance from the border of such coulee or ravine, and to such other conditions as, under the circumstances of the case, seem desirable with a view to the prevention of the pollution of the water stored in such reservoir; and in every such case any patent issued for such land shall be expressed to be subject to the conditions so imposed. 54-55 V., c. 24, s. 14.

LEASE OF GRAZING LANDS. June 29, 1897. Sec. 50. When so authorized by the Governor in Council, leases of unoccupied Dominion lands may be granted by the Minister for grazing purposes to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are set forth in regulations authorized from time to time by the Governor in Council.

HAY LANDS.

LEASE OF HAY LANDS.—PROVISO.—IN CASE OF SALE OR SETTLEMENT. Sec. 51. A settler in the vicinity of unoccupied hay lands may obtain a lease for an area thereof not exceeding a quarter-quarter-section, or forty acres, for such term and at such rent as the Minister deems expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land; and in case of such sale or settlement, the lessee shall be paid, by the purchaser or settler, for fencing or other improvements made, such sum as the local agent determines; and the lessee shall be allowed to remove any hay he has cut. 46 V., c. 17, s. 41.

PATENTS.

DEPUTY GOVERNOR FOR SIGNING PATENTS. Sec. 52. A Deputy Governor may be appointed by the Governor General, who shall have the power, in the absence of or under instructions of the Governor-General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents shall have the same force and virtue as if such patents were signed by the Governor-General. 46 V., c. 17, s. 70, part.

PATENTS AND LEASES, &c., TO BE PREPARED IN DEPARTMENT OF INTERIOR.—TO BE SIGNED BY GOVERNOR-GENERAL OR DEPUTY. Sec. 53. Every patent for land shall be prepared in the Department of the Interior, and shall be signed by the Minister or the Deputy of the Minister of the Interior, or by some other person thereunto specially authorized by the Governor in Council, and when so signed shall be registered by an officer specially appointed for that purpose by the Registrar-General, and then transmitted to the Secretary of State of Canada, by whom, or by the Under Secretary of State, the same shall be countersigned, and the Great Seal of Canada thereto caused to be affixed: Provided, that every patent for land shall be signed by the Governor-General or Deputy Governor, as hereinbefore provided. 46 V., c. 17, s. 70, part.

REMEDY IN CASE OF DEFICIENCY OF QUANTITY MENTIONED IN PATENT.—LIMITATION OF TIME FOR CLAIM. Sec. 54. Whenever, through error in survey or in the books or plans of a Dominion lands office, any grant of land is found deficient, the Minister may order a free grant, equal in value, at the time such land was granted or sold, to the ascertained deficiency, or he may order the purchase money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time of the purchase thereof, to be paid back to the purchaser; but no claim respecting any such deficiency shall be entertained unless it is made within five years from the date of the patent, and unless the deficiency is equal to one-tenth of the whole quantity described in the patent as being contained in the lot or parcel of land granted. 46 V., c. 17, s. 71.

PATENT ISSUED IN ERROR MAY BE CANCELED.

Sec. 55. Whenever a patent has been issued to, or in the name of, a wrong person, or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister may, there being no adverse claim, direct the defective patent to be canceled and a correct one to be issued in its stead—which corrected patent shall relate back to the date of the one so canceled and have the same effect as if issued at the date of such canceled patent. 46 V., c. 17, s. 72.

REMEDY IN CASE OF GRANTS OR PATENTS INCONSISTENT WITH EACH OTHER.—LIMITATION OF TIME FOR CLAIM. Sec. 56. In all cases in which, through error, grants or letters patent have issued for the same land, inconsistent with each other, and in all cases of sales or appropriations of the same land, inconsistent with each other, the Minister may order a new grant, to the person thereby deprived, of land of value equal to that of the original grant, at the time the same was granted, or may, in case of sale, cause repayment to be made of the purchase money, with interest; or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Minister may assign land, or grant such amount of scrip for the purchase of Dominion lands as to him seems just and equitable under the circumstances; but no claim under this clause shall be entertained unless it is preferred within one year after the discovery of the error. 46 V., c. 17, s. 73.

PROVISION IN CASE OF PATENTS ISSUED THROUGH FRAUD, &c.—AVOIDANCE ON REGISTRY OF DECREE. Sec. 57. Whenever patents, leases or other instruments respecting lands have issued through fraud, or in error or improvidence, any court having competent jurisdiction in cases respecting real property in the Province or Territory where such lands are situate, may, upon action, bill or plaint respecting such lands, and upon hearing the parties interested, or upon default of the said parties after such notice of proceeding as the said court orders, decree or adjudge such patent, lease or other instrument to be void; and upon the registry of such decree or adjudication in the office of the Reg-

istrar-General of Canada, such patent, lease or other instrument shall be void. 46 V., c. 17, s. 74.

REMEDY IN CASE OF REFUSAL TO DELIVER UP POSSESSION OF FORFEITED LAND, OR TO VACATE LAND WRONGFULLY HELD.—ORDER TO SHERIFF TO GIVE POSSESSION. Sec. 58. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land and refuses to vacate or abandon possession of the same, the Minister may apply to a judge of any court of competent jurisdiction in cases respecting real property in the Province or Territory in which the land is situate, for an order in the form of a writ of ejectment or of habere facias possessionem; and the said judge, upon proof to his satisfaction that such land was so forfeited and should properly revert to the Crown, or is wrongfully in possession of such person, shall grant an order upon the settler or person in possession to deliver up the same to the Minister, or to the person by him authorized to receive such possession; and such order shall have the same force as a writ of habere facias possessionem; and the sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or a petitory action. 46 V., c. 17, s. 75.

ASSIGNMENTS.

ASSIGNMENTS OF DOMINION LANDS TO BE REGISTERED.—CONDITION OF REGISTRATION. Sec. 59. The Minister shall cause to be kept, in the Department of the Interior, books for registering, at the option of the persons interested, assignments of any rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignments are in conformity with this Act; and every assignment so registered shall be valid against any other assignment unregistered or subsequently registered; but any assignment to be registered shall be unconditional, and all conditions on which the right depends shall be performed, or dispensed with by the Minister, before the assignment is registered. 46 V., c. 17, s. 76.

PATENT TO LEGAL REPRESENTATIVE OF PARTY DYING ENTITLED THERETO. Sec. 60. On any application for a patent by the legal representative of a person who died entitled to such patent, the Minister may receive proof of the facts in such manner as he sees fit to require; and upon being satisfied that the claim has been justly established, may allow the same and cause a patent to be issued accordingly. 46 V., c. 17, s. 77.

TOWNSHIP PLANS AND PATENT LISTS.

MINISTER TO TRANSMIT CERTAIN INFORMATION TO REGISTRARS. Sec. 61. The Minister shall transmit to the registrar of every county and registration district or division in Manitoba and the Northwest Territories, as early as possible in each year, a certified copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a certified list of the lands in such county, district or division, patented during such year. 46 V., c. 17, s. 78.

LAND SCRIP.

AUTHORITY TO ISSUE SCRIP. Sec. 62. The Governor in Council may, if he deems it expedient so to do, satisfy any claim to a grant of Dominion lands, respecting which no provision is otherwise made by law, by an issue of scrip redeemable only by its receipt in payment for such land. 46 V., c. 17, s. 80.

TIMBER AND TIMBER LANDS.

WOOD FOR SETTLERS.

MINISTER MAY SET APART LAND OR WOOD LOTS. Sec. 63. The Minister may direct that in the subdivision of townships, which consists partly of prairie and partly of timber land, the timber lands shall be divided into wood lots of not more than twenty and not less than ten acres each, in such manner as to afford, as far as practicable, one such wood lot to each quarter-section prairie farm.

AS TO QUARTER-SECTIONS HAVING WOOD ON THEM. 2. If a quarter-section is found to contain timber land which does not exceed in extent twenty-five acres, such timber land shall be appurtenant to such quarter-section and shall not be divided into wood lots.

ASSIGNMENT OF WOOD LOT TO EACH HOMESTEAD.—PRICE TO BE PAID BY SETTLER. 3. Out of any wood lots set apart under the first sub-clause of this clause, the local agent shall, on application, apportion a wood lot to each settler on a homestead quarter-section not having on it more than ten acres of woodland; and such wood lot shall be paid for by the applicant at the price for wood lots fixed at the time by the Minister, and shall be entered in the books of the local agent and be given by him, in his returns, as appertaining to such homestead quarter-section; and on the homestead claimant fulfilling all the requirements of this Act in that behalf, but not otherwise, a patent shall issue to him for such wood lot: Provided always, that any person to whom a wood lot was apportioned in connection with a homestead, under the provisions of sub-clause five of clause forty-six of "The Dominion Lands Act of 1872," having duly fulfilled the conditions of such homestead grant, shall receive a patent for such wood lot as a free grant, as provided in the said sub-clause, notwithstanding the repeal of the said sub-clause by the Act thirty-seven Victoria, chapter nineteen: Provided, further, that the cancellation of a homestead entry shall carry with it the cancellation of the entry of the wood lot apportioned thereto, and also the forfeiture of the purchase money of such wood lot.

AS TO SALE OF TIMBER TO SAWMILLS, &c., BEFORE PATENT.—PUNISHMENT FOR SO DOING. 4. Any holder of a homestead entry who, previously to the issue of the patent, sells any of the timber on either his homestead or pre-emption quarter-section, or on the appurtenant wood lot, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister, is guilty of a trespass and may be prosecuted therefor before a justice of the peace; and, upon conviction thereof, shall be liable to a penalty not exceeding one hundred dollars or to imprisonment for a term

not exceeding six months, or to both penalty and imprisonment, in the discretion of the court; and further, such person shall forfeit his homestead and pre-emption rights, and the timber so sold shall be subject to seizure and confiscation in the manner hereinafter provided. 46 V., c. 17, s. 45.

TIMBER BERTHS.

"TIMBER" DEFINED. Sec. 64. In the twenty-five clauses next following, the expression "timber" means all wood and all products thereof. 46 V., c. 17, s. 46.

TIMBER DISTRICTS. Sec. 65. The Governor in Council may, from time to time, declare districts of territory to be timber districts; and no lease of a timber berth shall be granted except within timber districts so set apart. 46 V., c. 17, s. 47.

DIVISION OF SUCH DISTRICTS INTO TIMBER BERTHS BY MINISTER.—REGULATIONS RESPECTING GRANT OF SUCH BERTHS. Sec. 66. The Minister may set apart any tract of land in any timber district, and may cause the same to be divided into timber berths not exceeding in area fifty square miles each, and the same shall be reserved from sale and settlement; and under such regulations as are made by the Governor in council respecting the ground rents, royalties or other dues which shall be paid in connection therewith, leases of the right to cut timber on such berths may be granted as hereinafter provided. 46 V., c. 17, s. 48.

SALE OF LEASES OF SUCH BERTHS; CONDITIONS THEREOF. Sec. 67. The Governor in Council may, from time to time, order that leases of the right to cut timber on certain timber berths defined in the order shall be offered at public auction at an upset bonus fixed in the order, and awarded to the person bidding, in each case, the highest bonus thereof—such bonus to be paid in cash at the time of sale.

LEASE TO SOLE APPLICANT. 2. The Governor in Council may also authorize the lease of the right to cut timber on any timber berth to any person who is the sole applicant for the lease—the bonus to be paid by such applicant to be fixed in the order authorizing the lease to him, and to be paid in cash at the time of its issue.

WHEN THERE IS MORE THAN ONE APPLICANT FOR A BERTH. 3. When one or more persons apply for the right to cut timber upon the same berth, the Governor in Council may authorize the Minister to invite tenders from the applicants or the public; and the person tendering the highest cash bonus therefor shall be entitled to the lease. 46 V., c. 17, s. 49.

DURATION OF LEASES; AND AS TO RENEWAL. Sec. 68. Leases of timber berths shall be for a term not exceeding one year; and the lessee of a timber berth shall not be held to have any claim whatever to a renewal of his lease unless such renewal is provided for in the Order in council authorizing it, or embodied in the conditions of sale or tender, as the case may be, under which it was obtained.

NO RENEWAL IN CERTAIN CASES. 2. No lease shall be renewed in any case in which the lessee has failed to pay any ground rent, royalty or other dues in connection therewith. 46 V., c. 17, s. 50.

FORM AND EFFECT OF LEASE.—RIGHTS OF LESSEE TO THE TIMBER, AND ENFORCEMENT THEREOF. Sec. 69. The lease shall describe the lands upon which timber, wood, or other products of wood, cut within the limits in the lessee all rights of property whatsoever in all trees, the timber may be cut, and shall, during the continuance, vest of the leasehold, whether such trees, timber and wood or products are cut by his authority or by any person without his consent; and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit against any person unlawfully in possession of any such timber, and to prosecute all persons cutting timber in trespass upon his lease, to conviction and punishment, and to recover damages, if any, and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired. 46 V., c. 17, s. 51.

FURTHER CONDITIONS OF LEASE. Sec. 70. The lease shall, in addition to such other provisions as are in the Order in Council granting it, or in the conditions of sale or tender under which it was obtained, contain provisions binding the lessee:—

ERECTIONS OF SAW-MILLS, &c. (*a.*) To erect, in connection with the berth leased, and to have in operation within a time prescribed in the lease, a saw-mill or mills, of capacity to cut in twenty-four hours a thousand feet, board measure, for every two and a half square miles of the area leased, or to establish such other manufactory of wool goods as the Minister accepts as equivalent thereto.

PAYMENT OF GROUND RENT AND ROYALTY. (*b.*) To pay in advance, in addition to the bonus, an annual ground rent of five dollars for each square mile; and further, to pay in cash, at each time of his making the return prescribed in sub-clause (*d*) of this clause, a royalty of five per cent on his sales of the products of the berth, as shown by such return.

ACCOUNTS TO BE KEPT. (*c.*) To keep correct books of account of his business, and to submit the same for the inspection of any authorized agent of the Minister, whenever required.

RETURNS TO BE MADE AT STATED PERIODS. (*d.*) To make, monthly or at such other intervals of time as they are required of him by regulations made under this Act or by the Minister, returns sworn to by him or by his agent or employee cognizant of the facts, declaring the quantities taken from the berth, and those sold, of all timber or products of wood, in whatsoever form the same are sold or otherwise disposed of by him during such month or other period, and the amount received by him therefor.

PREVENTING WASTE. (*e.*) To prevent any unnecessary waste of timber in the process of cutting it, and to prevent, when it can be avoided, the destruction of growing trees which have not yet attained a size fitting them to be used for merchantable timber.

PRECAUTIONS AGAINST FIRE. (*f.*) To exercise strict and constant supervision to prevent the origin and spread of fire. 46 V., c. 17, s. 52.

AS TO CASES OF ERROR IN SURVEY, &c. Sec. 71. If, in consequence of any incorrectness in survey or other error or cause whatsoever, a lease is found to comprise lands included in another lease of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under

this Act, the later lease shall be void in so far as it interferes with any previous lease, sale, grant or setting apart. 46 V., c. 17, s. 53.

RESERVATION OF RIGHT OF GOVERNMENT AS TO COAL AND MINERALS. Sec. 72. Every lease of a timber berth shall be subject to the right of the Crown to deal, in accordance with the provisions of this Act and the regulations made under it by the Governor in Council, with any and all coal and other minerals found within the limits of the berth leased; and the Crown shall have the right, in dealing, as above provided, with any coal or other minerals in lands leased as timber limits, to authorize the persons to whom such coal and other minerals are granted, to take possession of and occupy such extent of the land so leased as is necessary to work such coal or other minerals, and to open necessary roads through any such timber berths—paying the lessee of the berth the value of any and all timber necessarily cut in making such roads or in working the mines—and the provisions of this clause shall operate retrospectively, that is to say: they shall apply to all leases of timber berths heretofore granted under any Act respecting Dominion lands, as if they had been contained in such Act when it was passed. 46 V., c. 17, s. 54.

FORFEITURE OF LEASE FOR VIOLATION OF CONDITIONS.—PROVISO. Sec. 73. Every lease shall be subject to forfeiture for violation of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister may, without any action, suit or other proceeding, and without compensation, to the lessee, cancel the same and make a new lease or disposition of the limit described therein to any other person, at any time during the term of the lease so canceled; but the Minister may, if he sees fit, refrain from canceling such lease for non-payment of dues, and may enforce payment of such dues in the manner by this Act provided. 46 V., c. 17, s. 55.

LIEN OF THE CROWN FOR DUES, AND ENFORCEMENT THEREOF.—SEIZURE AND SALE OF TIMBER. Sec. 74. All ground rents, royalties or other dues on timber cut within the limits of any timber berth, which are not paid at the time when they become due, shall bear interest at the rate of six per cent per annum until paid, and shall be a lien on

any timber cut within such limits; and in case of such non-payment—whether, in consequence thereof, the lease of the berth has, or has not been canceled—the Crown timber agent or other person authorized thereto may, with the sanction of the Minister, seize so much of the timber cut on such berth as will, in his opinion, be sufficient to secure the payment of such rent or royalty, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if payment is not made within three months after such seizure, he may, with the sanction of the Minister, sell such timber by public auction,—and, after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the lessee, if the timber was in his possession at the time of seizure, or, if it was not, to the person who had possession thereof at that time. 46 V., c. 17, s. 56.

TIMBER LIABLE FOR DUES WHENEVER FOUND. Sec. 75. All timber cut under lease shall be liable for the payment of the Crown dues thereon, whenever and wherever the said timber, or any part of it, is found, whether it is or is not converted into deals, boards or any other manufacture of wood, and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever it is found, until the dues thereon are paid or secured, as provided in the next preceding clause. 46 V., c. 17, s. 57.

ENFORCEMENT OF PAYMENT IN CASE OF REMOVAL OUT OF CANADA. Sec. 76. If the payment of the Crown dues on any timber has been evaded by any lessee or other person, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded and any expenses incurred by the Crown in enforcing payment of the said dues under this Act may be added to the dues remaining to be collected on any other timber cut on any timber berth by the lessee or by his authority, and may be levied and collected or secured on such timber, together with such last-mentioned dues, in the manner hereinbefore provided; or the amount due to the Crown, of which payment has been evaded, may be recovered by action or suit in the name of the Minister or his agent, in any court of competent jurisdiction. 46 V., c. 17, s. 58.

BONDS OR NOTES MAY BE TAKEN WITHOUT AFFECTING LIEN. Sec. 77. The Minister may take or authorize the taking of bonds or promissory notes for any money due to the Crown, as aforesaid, or, in his discretion, for double the amount of any dues, penalties and costs incurred or to be incurred, and may, if it is under seizure, then release any timber upon which the same would be leviable; but the taking of such bonds or notes shall not affect the right of the Crown to enforce payment of such money, and the debt shall be a lien on any timber cut on the same or on any other berth, by the lessee or by his authority, if the sums for which such bonds or notes are given are not paid when due. 46 V., c. 17, s. 59.

FOREST PARKS.

PRESERVATION OF FOREST TREES AND MAINTENANCE OF RAINFALL.—FOREST PARKS. Sec. 78. The Governor in Council may, from time to time, for the preservation of forest trees on the crests and slopes of the Rocky Mountains, and for the proper maintenance throughout the year of the volume of water in the rivers and streams which have their sources in such mountains and traverse the Northwest Territories, reserve from sale, lease or license, such portions of the land in the Northwest Territories, on, adjacent to or in the vicinity of the Rocky Mountains, as to him it appears expedient so to reserve, and may define the limits or boundaries of such reserves; and may set aside and appropriate such lands for a forest park or forest parks, as he deems expedient, and may appoint officers for the preservation of such reserves and forest parks.

RETURNS TO PARLIAMENT. 2. Statements showing such reserves and appropriations, with the necessary maps, shall be laid before Parliament within fifteen days after the commencement of the session next after such reserves or appropriations have been made.

PENALTY FOR DESTROYING TREES.—SUMMARY PROCEEDINGS. 3. Every one who wilfully cuts down, breaks, barks, roots up, removes or destroys, or causes to be cut down, broken, barked, rooted up, removed, or destroyed,

any tree, sapling, shrub, underwood or timber, growing in and upon any such reserve or forest park, shall for every such offense, incur a penalty not exceeding one hundred dollars and not less than ten dollars, which shall be recoverable, with costs, in a summary manner, before a judge of the Supreme court of the Northwest Territories, a stipendiary magistrate, commissioner of police, or any two justices of the peace under the "Act respecting Summary Proceedings before Justices of the Peace;" and in default of immediate payment of such penalty, and of the costs of prosecution, the offender may be imprisoned for any term not exceeding three months. 47 V., c. 25, s. 5.

LIABILITY OF PERSONS CUTTING TIMBER WITHOUT AUTHORITY.

PENALTY FOR CUTTING TIMBER ON DOMINION LANDS WITHOUT AUTHORTY.—ADDITIONAL PENALTY FOR REMOVAL OUT OF REACH OF OFFICERS.—BURDEN OF PROOF, &c. Sec. 79. If any person, without authority, cuts, or employs or induces any other person to cut or assist in cutting any timber of any kind on Dominion lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away any timber of any kind so cut, he shall not acquire any right to such timber or any claim for remuneration for cutting the same, preparing the same for market or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize it, he shall, in addition to the loss of his labor and disbursements, incur a penalty not exceeding three dollars for each tree, which, or any part of which, he is proved to have cut or carried away, or assisted to cut or carry away; and such sums shall be recoverable, with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty; and in all cases the burden of proof of authority to cut and take the timber shall lie on the person charged; and the averment of the person seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary. 46 V., c. 17, s. 60.

SEIZURE OF TIMBER ON AFFIDAVIT BEFORE A J. P. Sec. 80. Whenever any Crown timber officer or agent receives satisfactory information, supported by affidavit, made before a justice of the peace or before any other competent officer or person, that any timber has been cut without authority on Dominion Lands, or if any Crown timber officer or agent, from other sources of information or his own knowledge, is aware that any timber has been cut without authority on any such lands, he may seize or cause to be seized, in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until the matter is decided by competent authority. 46 V., c. 17, s. 61, part.

PROVISION IF THE TIMBER HAS BEEN MIXED WITH OTHER TIMBER. Sec. 81. If the timber, reported or known to have been cut without authority, has been made up with other timber into a crib, dam, or raft, or in any other manner has, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority from the other timber, the whole shall be held to have been cut without authority and shall be liable to seizure and forfeiture accordingly, unless the holder separates, to the satisfaction of the Crown timber agent, the timber cut without authority from the other. 46 V., c. 17, s. 61, part.

IN ABSENCE OF SATISFACTORY EXPLANATION TIMBER MAY BE SEIZED AS CUT WITHOUT AUTHORITY. RECOVERY OF DUES. Sec. 82. Whenever any Crown timber agent or other officer or agent of the Minister is in doubt as to whether any timber has or has not been cut without authority, or is or is not liable to Crown dues on the whole or any part thereof, he may inquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut; and if no satisfactory explanation, on oath or otherwise as he requires, is given to him, he may seize and detain such timber until proof is made to the satisfaction of the Minister or of such Crown timber agent or officer, that such timber was not cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof is not made within thirty days after

such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case; and the dues thereon may be recovered as hereinbefore provided. 46 V., c. 17, s. 62.

RELEASE OF TIMBER ON SECURITY BEING GIVEN. Sec. 83. If any timber, or any product thereof, is seized under the provisions of this Act by any Crown timber agent or officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise to his satisfaction, for the full value thereof, or, in his discretion, for payment of double the amount of all dues, penalties and costs incurred or imposed thereon, as the case may be. 46 V., c. 17, s. 63.

TIMBER SEIZED TO BE DEEMED CONDEMNED AND FORFEITED IN DEFAULT OF OWNER CLAIMING WITHIN ONE MONTH. CONFISCATION AND SALE IN CASE OF DEFAULT TO CONTEST SEIZURE. Sec. 84. All timber seized under this Act on behalf of the Crown, as being forfeited, shall be deemed to be condemned, unless the owner thereof or the person from whom it was seized, within one month from the day of the seizure, gives notice to the seizing officer or to the Crown timber agent or officer under whose authority the seizure was made, that he intends to contest the seizure; and if, within fifteen days thereafter, the claimant has not instituted proceedings before a court of competent jurisdiction to contest the seizure, or, if the decision of the court is against him, or, if the claimant fails duly to prosecute such proceedings, in the opinion of the judge before whom the case is tried (who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and may, after thirty days' notice posted up at the place where the same is confiscated, be sold, by the order of the Minister, for the benefit of the Crown.

MINISTER MAY IMPOSE A FINE INSTEAD OF CONFISCATION IN CERTAIN CASES, &c. SALE IN DEFAULT OF PAYMENT. 2. The Minister may, if he sees cause for so doing, instead of confiscating timber cut without

authority on Dominion lands, impose a penalty which, in addition to all costs incurred, shall be levied on such timber; and, in default of payment of the whole on demand, he may, after a notice of fifteen days, sell such timber by public auction, and may, in his discretion, retain the whole proceeds of such sale, or the amount of the penalty and costs only. 46 V., c. 17, s.

BURDEN OF PROOF TO LIE ON THE CLAIMANT. Sec. 85. Whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any part of the Dominion Lands aforesaid, the burden of proving payment, or of proving on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same or the person instituting such prosecution. 46 V., c. 17, s. 65.

OFFICER SEIZING MAY CALL IN ASSISTANCE. Sec. 86. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized. 46 V., c. 17, s. 66, part.

SLIDES, &c.

RIGHT TO SLIDES, &c., NOT TO PASS BY SALES OR GRANTS OF LAND UNLESS EXPRESSLY MENTIONED. Sec. 87. No sale or grant of any Dominion Lands shall give or convey any right or title to any slide, dam, pier, or boom, or other work previously constructed on such land, or on any stream passing through or beside it, for the purpose of facilitating the descent of timber or saw-logs, unless it is expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier, or boom, or other work, is intended to be thereby sold or granted. 46 V., c. 17, s. 68, part.

FREE USE OF SLIDES, &c., NOT EFFECTED. Sec. 88. The free use of slides, dams, piers, booms, and other works

on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto, for the purpose of using the same and keeping them in repair, shall not, in any way, be interrupted or obstructed by or in virtue of any sale or grant of Dominion Lands made subsequently to the construction of such works. 46 V., c. 17, s. 68, part.

FREE USE OF STREAMS AND LAKES AND ACCESS THERETO NOT AFFECTED. Sec. 89. The free use, for the floating of saw-logs or other timber, of all streams and lakes necessary for the descent thereof from Dominion Lands, and the right of access to such streams and lakes, and of passing and repassing on or beside the land on either side, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads as, owing to natural obstacles, are necessary for taking out timber from Dominion Lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected or obstructed by or in virtue of any sale or grant of such lands. 46 V., c. 17, s. 69.

POWERS OF THE GOVERNOR IN COUNCIL.

Sec. 90. The Governor in Council may—

POWER OF GOVERNOR AS TO INDIAN RESERVES. (a.) Withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or are reserved for Indians.

LANDS REQUIRED FOR RAILWAYS. (b.) Reserve from general sale and settlement, Dominion lands to such an extent as is required to aid in the construction of railways in Manitoba or in the Territories owned by Canada, and provide for the disposal of the lands so reserved, notwithstanding anything contained in this Act, in such manner, at such price and on such terms as are deemed expedient.

FREE GRANT FOR RAILWAY TO HUDSON'S BAY. (c.) Make a free grant of land, not exceeding in extent six thousand four hundred acres for each mile of railway within Manitoba, and not exceeding in extent twelve thousand eight

hundred acres for each mile in the Northwest Territories, in aid of the construction of a railway from some point on the Canadian Pacific Railway to Hudson's Bay.

ENCOURAGEMENT OF DRAINAGE, &c. (d.) Grant to the promoters of works undertaken with a view of draining and reclaiming swamp lands, for the purpose of encouraging such works, remuneration in the way of grants of the lands so reclaimed, or of such portions thereof as are deemed fair and reasonable.

SCHOOLS OF INSTRUCTION IN AGRICULTURE. (e.) Grant land—not in any case exceeding in extent one section and one-half section—to any person who will establish and keep in operation thereon, for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, having, during the period, an average attendance of thirty pupils, and otherwise meeting the approval of the Minister.

CLAIMS ARISING OUT OF INDIAN TITLE. (f.) Grant lands, in satisfaction of any claims existing in connection with the extinguishment of the Indian title, preferred by half-breed residents in the Northwest Territories, outside of the limits of Manitoba, previous to the fifteenth day of July, one thousand eight hundred and seventy, to such persons, to such extent, and on such terms and conditions as are deemed expedient.

CERTAIN CLAIMS TO LANDS OUTSIDE OF MANITOBA PRIOR TO FIFTEENTH OF JULY, 1870. (g.) Investigate and adjust claims preferred to Dominion lands situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, one thousand eight hundred and seventy, and grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to the said date, and being, by their own residence or that of their servants, tenants or agents, or of those through whom they claim, in actual peaceable possession thereof at the said date, so much land in satisfaction of such claim as is considered fair and reasonable, but not exceeding in any case one quarter-section, unless there has been cultivation of more than that area.

FOR CARRYING OUT THE PROVISIONS OF THIS ACT. (h.) Make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and further make and declare any regulations which are considered necessary to give the provisions in this clause contained full effect; and, from time to time, alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead.

PENALTIES FOR VIOLATION. (i.) Impose penalties not exceeding two hundred dollars, or not exceeding three months' imprisonment, for violation of any regulations under this Act.

STATEMENT UNDER OATH. (j.) Provided that any statement or return required to be made by such regulations, shall be verified on oath. 46 V., c. 17, s. 81, part;—47 V., c. 25, s. 6.

ROADS IN N. W. T. Sec. 90a. The Lieutenant-Governor and Assembly of the Northwest Territories may with the consent of the Governor in Council, close up any road which has been transferred to the Territories, or vary its direction; and may, subject to any ordinances made in respect thereof, open and establish any new highway in the stead of such road; and the land in any road allowance, public traveled road, or trail so closed may be dealt with as the Governor in Council sees fit. 55-56 V., c. 15, s. 6.

IRRIGATION COMPANIES, &c. Sec. 90b. The Governor in Council may grant to individuals or companies, upon such terms and conditions as appear just, and subject to such regulations as are from time to time made in that behalf, the right to construct through Dominion Lands conduit pipes or canals for irrigation purposes, together with all water powers and privileges necessary therefor. 55-56 V., c. 15, s. 7.

SALE OR LEASE OF PUBLIC LANDS. Sec. 90c. The Governor in Council may authorize the sale or lease of any lands vested in Her Majesty which are not required for public purposes, and for the sale or lease of which there is no other provision in the law.

"LANDS" DEFINED. 2. The expression "lands" in this section means real property of any kind, or any interest therein. 57-58 V., c. 26, s. 3

SUCH ORDERS MUST BE PUBLISHED IN "CANADA GAZETTE," AND LAID BEFORE PARLIAMENT. Sec. 91. Every order or regulation made by the Governor in Council, in virtue of the provisions of the next preceding clause, or of any other clause of this Act, shall, unless otherwise specially provided in this Act, have force and effect only after the same has been published for four successive weeks in the "Canada Gazette;" and all such orders or regulations shall be laid before both houses of Parliament within the first fifteen days of the session next after the date thereof. 46 V., c. 17, s. 81, part.

PUBLICATION OF ORDERS AND REGULATIONS. Sec. 91a. Notwithstanding anything contained in any such Act, the omission to publish any order or regulation heretofore made by the Governor in Council under the provisions of any Act relating to Dominion Lands, or to publish such order or regulation in any prescribed manner, shall not be held to invalidate it or anything done thereunder. 54-55 V., c. 26, s. 2.

FEES FOR COPIES OF MAPS, &c. Sec. 92. The Governor in Council may establish a tariff of fees to be charged by the Minister for all copies of maps, township plans, field-notes, and other records, and also for registering assignments; and all fees received under such tariff shall form part of the revenue from Dominion Lands. 46 V., c. 17, s. 125.

GENERAL PROVISIONS.

CERTIFIED COPIES OF CERTAIN DOCUMENTS TO BE EVIDENCE. Sec. 93. Copies of any records, documents, plans, books, or papers, belonging to or deposited in the Dominion Lands Office, attested under the signature of the Minister of the Interior, or of the Secretary of the Department of the Interior, or of the Surveyor-General, or of any chief clerk or officer authorized thereto, and of plans or documents in any Dominion lands or surveys office in Manitoba or the Northwest Territories, attested under the signature of the Com-

missioner of Dominion Lands, the Secretary of the Dominion Lands Board, or other officer in charge of such office, shall be competent evidence in all cases in which the original records, documents, books, plans, or papers would be evidence. 49 V., c. 27, s. 2, part.

AS TO LITHOGRAPHED COPIES, &c. Sec. 94. Lithographed or other copies of maps or plans purporting to be issued or published by the Dominion Lands Office of the Department of the Interior, and to have a lithographed or copied signature of the Minister of the Interior or of the Surveyor-General thereto attached, shall be received in all courts and proceedings as prima facie evidence of the originals, and of the contents thereof. 49 V., c. 27, s. 2, part.

BEFORE WHOM AFFIDAVITS, &c., MAY BE MADE. Sec. 95. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act, except as herein otherwise provided, may be taken before the judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits, or any notary public, or any Dominion lands agent or officer, or any person specially authorized to take such affidavits by this Act or by the Minister. 46 V., c. 17, s. 82.

VERIFICATION OF STATEMENTS ON OATH. Sec. 95a. The Minister of the Interior may require any statement in relation to any land to which the said Act applies, to be verified by oath, affirmation, declaration or affidavit, which may be taken or made before any of the officers or persons mentioned in the ninety-fifth clause of the said Act. 50-51 V., c. 31, s. 7.

CERTAIN BOARDS AND OFFICERS MAY SUMMON AND EXAMINE PERSONS ON OATH. PUNISHMENT FOR CONTEMPT. Sec. 96. 29 June, 1897. The Dominion Lands Board, or any member thereof, or any person specially authorized to that effect by the Governor in Council, may summon before them or him, any person, by subpoena issued by them or him, examine such person under oath, and compel the production of papers and writings before them or him,—and, if any person duly summoned neglects or refuses to appear at the time and place specified in the subpoena, legally served upon him, or refuses to give evidence or to produce the papers or writings demanded of him, may, by warrant, under their or

his hands or hand, cause such person, so neglecting or refusing, to be taken into custody and to be imprisoned in the nearest common jail, as for contempt of court, for a term not exceeding fourteen days. 46 V., c. 17, s. 83;—49 V., c. 27, s. 11.

ENTRY RECEIPT, &c., TO GIVE RIGHT TO MAINTAIN SUITS. Sec. 97. Every receipt or certificate of entry or sale issued by an agent of Dominion Lands shall, unless such entry or sale has been revoked or canceled by the Minister, entitle the person to whom the same was granted, to maintain actions or suits against any wrong-doer or trespasser on the lands to which such receipt or certificate relates, as effectually as he could do under a patent of such land from the Crown. 46 V., c. 17, s. 85.

FORMS IN SCHEDULE MAY BE VARIED BY THE MINISTER. 29 June, 1897. Sec. 98. The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases.

SURVEYORS AND SURVEYS.

QUALIFICATIONS REQUIRED OF DOMINION SURVEYORS. Sec. 99. No person shall act as surveyor of Dominion Lands unless he was, before the fourteenth day of April, one thousand eight hundred and seventy-two, duly qualified by certificate, diploma or commission to survey the Crown lands in some one of the provinces of Canada, or has become qualified under the provisions hereinafter set forth. 46 V., c. 17, s. 87, part.

OFFICIAL STYLE OF SURVEYORS. Sec. 100. Persons qualified under the provisions of this Act shall be styled "Dominion Land Surveyors," or "Dominion Topographical Surveyors," as the case may be. 46 V., c. 17, s. 87, part.

BOARD OF EXAMINERS.

BOARD TO CONSIST OF SURVEYOR-GENERAL

AND EIGHT COLLEAGUES. MEETINGS. Sec. 101. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion Land surveyors, or as articled pupils, which shall consist of the Surveyor-General and eight other competent persons appointed, from time to time, by Order in Council; and the meetings of the Board shall commence on the second Monday in the months of February and August in each year, and at such other times as the Minister directs,—due notice thereof being given in the "Canada Gazette"; and the place of meeting shall be at the city of Ottawa, or such other place as is from time to time fixed by the Minister:

MEMBERS TO BE SWORN. 2. Every member of the Board shall take an oath of office, according to the form M, in the schedule to this Act, which shall be administered by a judge of any one of the Superior Courts in any province of Canada, or a judge of the Supreme Court of Canada, and such judge is hereby authorized and required to administer such oath.

QUORUM. 3. Three members of the board shall form a quorum:

SECRETARY. 4. The board shall, from time to time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings.

EXAMINATION BY A MEMBER OF THE BOARD. 5. The Minister may cause examinations of candidates for commissions as Dominion Land surveyors, or as articled pupils, to be held at such times and places as he directs, by one of the members of the board; but such examinations shall be subject to the rules and regulations made by the board in that behalf, and shall have no effect unless they are conducted in accordance with such rules and regulations, and are subsequently approved by the board. 49 V., c. 27, s. 12, part.

EXAMINATION FOR ARTICLES AS PUPILS. Sec. 102. No person shall be admitted as an articled pupil with any Dominion land surveyor, unless he has previously passed an examination before the Board of Examiners, or before one of the members thereof, as to his penmanship and orthography, and also as to his knowledge of arithmetic, algebra, including quadratic equations, plane geometry, plane trigonometry, spher-

ical trigonometry as far as the solution of triangles, the mensuration of superficies, and the use of logarithims, and has obtained a certificate of such examination, and of his proficiency from such board. 49 V., c. 27, s. 12, part.

NOTICE BY APPLICANTS TO SECRETARY. Sec. 103. Applicants for such examination, previously to being articled, shall give notice to the secretary of the board of their desire to present themselves for examination; whereupon that officer shall instruct them as to the manner in which they must proceed. 46 V., c. 17, s. 90.

CONDITIONS PRECEDENT TO EXAMINATION FOR ADMISSION. Sec. 104. No pupil shall be entitled to be examined before the board, or before one of the members thereof, for admission as a Dominion Land surveyor, unless he has previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form N, in the schedule to this Act, duly executed before two witnesses, as pupil of a Dominion land surveyor, and unless he produces an affidavit from such surveyor in the form O, in the schedule to this Act, together with his own affidavit in the form P, in the schedule to this Act, that he has so served; or, if for some good and valid reason such affidavits can not be produced, unless he produces such evidence of the service as the board requires: and such three years' service shall include at least twelve months' actual practice in the field. 49 V., c. 27, s. 13.

ALTERATION OF FORM N WHEN THE PUPIL IS AN ADULT. Sec. 105. Whenever the pupil of a Dominion land surveyor is, at the time of his entering into articles in writing, in compliance with the provisions of the next preceding clause, a person of twenty-one years of age, the said form N may be altered to suit the case, by leaving out so much as relates to the father, or other person, by whose consent and approbation the pupil enters into articles, by making the pupil take upon himself the obligation in the said form imposed on such father, or other person, by stating that the consideration money has been paid by the pupil, and by otherwise so varying the form as to suit the circumstances of the case. 46 V., c. 17, s. 91, part.

TRANSFER OF A PUPIL. Sec. 106. Any Dominion

land surveyor may, by an instrument in writing transfer a pupil, with his own consent, to any other Dominion land surveyor, with whom such pupil may serve the remainder of his term; but such pupil shall not be entitled to examination unless he produces the affidavits of both surveyors in the form O, in the schedule to this Act, or, in default thereof, such evidence as is required by clause one hundred and four of this Act. 49 V., c. 27, s. 14.

COMPLETION OF TERM WITH ANOTHER SURVEYOR. Sec. 107. If any Dominion Land Surveyor dies, or leaves Canada, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion land surveyor. 46 V., c. 17, s. 93.

DUPLICATE OF ARTICLES TO BE TRANSMITTED TO SECRETARY. Sec. 108. Articled pupils shall transmit to the secretary of the board, within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same; and the secretary shall acknowledge the receipt of such papers and shall carefully file and keep the same with the records of the board. 46 V., c. 17, s. 94.

AS TO ADMISSION OF PERSONS COMMISSIONED AS SURVEYORS OF LANDS IN ANY PROVINCE. PROVISO: BOARD TO JUDGE OF REQUIREMENTS OF QUALIFICATION IN SUCH PROVINCE. PROVISO FOR RECIPROCITY AS TO SUCH ADMISSION. Sec. 109. Every person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, was or becomes duly qualified by certificate, diploma, or commission, to survey lands in any province of Canada, and who, in order to become so qualified, has served a term under articles to a surveyor, similar to the term prescribed by this Act, and has passed an examination in the subjects prescribed by clauses one hundred and two and one hundred and thirteen of this Act, before the board of examiners of such province, shall be entitled to obtain a commission as Dominion land surveyor without being subjected to any examination other than with respect to the system of survey of Dominion lands; but is shall rest with the Board of Examiners to decide whether the qualifications required of a surveyor of Crown lands in such prov-

ince are sufficiently similar to those set forth in the said clauses to entitle him, under the foregoing provisions, to such commission; and before any such commission as Dominion land surveyor is granted, it shall be shown that such province has reciprocated the privilege hereby granted, by granting to Dominion land surveyors, on their application, and without subjecting them to an examination, except with respect to a knowledge of the survey laws of such province, diplomas, certificates or commissions, as the case may be, as surveyors of lands within such province. 49 V., c. 27, s. 15, part.

SURVEYORS IN HER MAJESTY'S DOMINIONS, OTHER THAN CANADA, MAY BE ADMITTED ON CERTAIN CONDITIONS. Sec. 110. Every person who shows, to the satisfaction of the board of examiners, that he has been duly admitted as a surveyor of lands in any part of Her Majesty's dominions other than the provinces of Canada to which the provisions of the next preceding clause relate, and that he has had at least two years' practice either as a surveyor or as a pupil to a surveyor (of which practice at least six months has been in the field), shall be entitled to a commission on passing an examination in the subjects set forth in clauses one hundred and two and one hundred and thirteen of this Act, and on his producing an affidavit from a Dominion land surveyor in the form O, in the schedule to this Act, that such person has, in addition to the service aforesaid, served for one year with him, including at least six months' actual practice with him in the field. 49 V., c. 27, s. 15, part.

GRADUATES OF ROYAL MILITARY COLLEGE AND OF CERTAIN OTHER COLLEGES MAY BE ADMITTED ON CERTAIN CONDITIONS. Sec. 111. Every graduate in surveying of the Royal Military College of Canada, and every person who has followed a regular course of study in all the branches of education required by this Act for admission as a Dominion land surveyor, through the regular sessions, for at least two years in any college or university where a complete course of theoretical and practical instruction in surveying is organized, and who has thereupon received from such college or university a diploma as civil engineer, shall be exempt from serving three years as aforesaid, and shall be entitled to examination after one year's service under articles with a Dominion

land surveyor (at least six months of which service has been in the field), on producing the affidavit required by the next preceding clause as to such service; but it shall rest with the board to decide whether the course of instruction in such college or university is that required by this clause. 49 V., c. 27, s. 15, part.

NOTICE TO SECRETARY.—FEE. Sec. 112. Every person who desires to be examined before the board shall give due notice thereof in writing to the secretary at least one month previous to the meeting of the board, and shall, with such notice, transmit the fee hereinafter prescribed. 46 V., c. 17, s. 98.

EXAMINATION FOR ADMISSION AS SURVEYOR.—IN MATHEMATICS.—IN PRACTICAL ASTRONOMY. Sec. 113. No person shall, unless he is therto entitled under any other clause of this Act, receive a commission from the board authorizing him to practice as a Dominion land surveyor, unless he has complied with the foregoing provisions of this Act, nor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the board or before a member thereof as hereinbefore provided on the following subjects, that is to say: plane and solid geometry; spherical trigonometry, so far as it includes solution of triangles; the use of logarithms; measurement of areas, including their calculation by latitude and departure, and the dividing or laying off land; a knowledge of the elements of practical astronomy, and the solution of the following elementary problems:—

(*a.*) To ascertain the latitude of a place from the observation of a meridian altitude of the sun or of a star;

(*b.*) To obtain the local time and the azimuth from an observed altitude of the sun or a star;

(*c.*) From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter:

SURVEYING OPERATIONS AND USE OF INSTRUMENTS.—SYSTEM OF DOMINION SURVEYS. He shall be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, in a style of draughtsmanship satisfactory to the board, the describing of land by metes and bounds for

title, and with the adjustments and methods of use of ordinary surveying instruments; and shall also be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published by the authority of the Minister, from time to time, for the guidance of Dominion land surveyors. 49 V., c. 37, s. 16.

EXAMINATION MAY BE ON OATH AS TO PRACTICE. Sec. 114. The board may examine any candidate on oath,—which oath may be administered by any one of the examiners,—as to his actual practice in the field, and with regard to his instruments. 46 V., c. 17, s. 100.

SUCCESSFUL CANDIDATES TO RECEIVE COMMISIONS AND GIVE SECURITY. Sec. 115. Every person who passes the examination prescribed by this Act, and every person who is entitled to receive a commission under clause one hundred and nine of this Act, shall receive a commission from the board in accordance with the form Q, in the schedule to this Act, constituting him a Dominion land surveyor, and shall, jointly and severally with two sufficient sureties to the satisfaction of the board, enter into a bond in the sum of one thousand dollars to Her Majesty, her heirs and successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe before a judge of any one of the superior courts in any province of Canada—who is hereby authorized and required to administer such oaths—or before the board—any member of which may administer the same—the oath of allegiance, and an oath in the form following:—

"I, , do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a Dominion land surveyor according to law, without favor, affection or partiality. So help me God."

2. Until the above formalities have been complied with the said commission of Dominion land surveyor shall have no effect:

3. The said oaths of allegiance and of office shall be deposited in the Dominion lands office:

4. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of Canada, and shall be sub-

ject to the same provisions, and shall inure to the benefit of any person who sustains damage by breach of any condition thereof:

5. The commission shall be registered in the office of the Registrar-General of Canada. 46 V., c. 17, s. 101;—49 V., c. 27, s. 17.

VOLUNTARY EXAMINATION IN HIGHER BRANCHES OF STUDY. Sec. 116. Every Dominion land surveyor who has previously given the notice prescribed in clause one hundred and twelve of this Act, may be examined as to his knowledge of the following subjects relating to the higher branches of surveying, qualifying him (in addition to the performance of the duties declared by this Act to be within the competence of Dominion land surveyors), for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say:—

(*a.*) Algebra;

(*b.*) Plane and spherical trigonometry;

(*c.*) The plane co-ordinate geometry of the point, straight line, circle and ellipse, and the transformation of co-ordinates;

(*d.*) The geometrical theory of limits, and the determination of the form, magnitude and radius of curvature of any plane section of a spheroid of revolution;

(*e.*) Differential calculus as far as Taylor's and McLaurin's theorems, with its practical application;

(*f.*) Methods of trigonometrical surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, regard being had to the effect of the figure of the earth.

(*g.*) The theory of the projections and developments used in the delineation of spherical surfaces;

(*h.*) The portion of the theory of practical astronomy which relates to the determination of the geographic position of points on the earth's surface and the directions of lines on the same;

(*i.*) The use of the method of least squares in combining direct and indirect observations, the solution of simple equations of condition and the determination of the probable and the mean error;

(*j.*) The theory of the Dominion lands system of survey, the methods of surveying blocks and township outlines and of making tract, micrometer and explanatory surveys;

(*k.*) The theory and use of the instruments used in connection with the foregoing, and also of the ordinary meteorological instruments;

(*l.*) Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence; the ores of the common metals and the classification of rocks; and the geology of North America, so far as to be able to give an intelligent outline of the leading geological features of Canada;

(*m.*) Methods of trigonometrical leveling, of measurement of heights by barometer or by the temperature of boiling water, and the use of the pendulum in determining the compression of the earth;

(*n.*) The instruments and methods used in determining the magnetic declination, inclination and intensity. 49 V., c. 27, s. 18.

DESIGNATION OF THOSE PASSING SUCH EXAMINATION. Sec. 117. Persons who pass the above-mentioned examination in the higher branches of surveying shall receive a certificate to that effect from the board, and shall be designated Dominion topographical surveyors. 46 V., c. 17, s. 103.

TARIFF OF FEES. 118. The following fees shall be paid under the provisions of this Act:—

(*a.*) To the secretary of the board, by each pupil, on giving notice of his desire for examination preliminary to being articled one dollar;

(*b.*) To the secretary of the board, as the fee due on such examination, ten dollars, and a further sum of two dollars for the certificate;

(*c*) To the secretary of the board, by each pupil, at the time of transmiting to such secretary the indentures or articles of such pupil, two dollars;

(*d.*) To the secretary of the board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, two dollars;

(*e.*) To the secretary of the board, by each applicant obtaining a commission, as his fee thereon, two dollars;

(*f.*) To the secretary of the board, as an admission fee by

any candidate receiving a commission, twenty dollars,—but such amount, as also the ten dollars required to be paid under sub-clause (*b*) of this clause, shall be paid to the Minister of Finance and Receiver-General to the credit of Dominion lands;

(*g*.) To the secretary of the board, by each applicant who obtains a commission as Dominion topographical surveyor, as his fee thereon, two dollars;

(*h*.) To the secretary of the board, for testing a surveyor's standard of length, two dollars. 46 V., c. 17, s. 104;—49 V., c. 27, s. 19.

ALLOWANCES TO MEMBERS OF THE BOARD. Sec. 119. Every member of the board who attends at the meetings thereof, and the secretary and every member who holds an examination as provided by clause one hundred and one, shall receive five dollars for each day's sitting, and the actual traveling and living expenses incurred by such member, and consequent upon such attendance—and the Minister shall pay such sums; but no member of the board, if he has to travel more than one hundred miles in order to be present at the meeting, shall receive any allowance for traveling expenses for attending such meeting, unless such member was previously specially notified to attend the same by the secretary. 49 V., c. 27, s. 20, part.

BOARD MAY SUSPEND OR DISMISS NEGLIGENT OR CORRUPT SURVEYOR. Sec. 120. The board may, in its discretion, suspend or dismiss from the practice of his profession, any Dominion land or topographical surveyor whom it finds guilty of gross negligence or corruption in the execution of the duties of his office; but the board shall not suspend or dismiss such surveyor without having previously summoned him to appear in order to be heard in his defense, nor without having heard the evidence offered both in support of the complaint and on behalf of such surveyor; and if, after being summoned as aforesaid, the surveyor does not appear, the board may appoint a fit and proper person to present the evidence on behalf of the surveyor. 49 V., c. 28, s. 20, part.

SURVEYORS TO ADD TO THEIR RETURNS OF SURVEY AN AFFIDAVIT OF THE FAITHFUL AND CORRECT EXECUTION THEREOF. Sec. 121. The Surveyor-General shall require every Dominion land or topographical surveyor, in addition to the oath by this Act required to be ad-

ministered to him on receiving his commission as such, to take and subscribe an oath, or make and subscribe an affirmation, on the return of his surveys of Dominion lands, that the same have been faithfully and correctly executed according to law and the instructions of the Surveyor-General; and if it is proved, on satisfactory evidence, before any court of competent jurisdiction, that such surveys, or any part thereof, have not been so executed, the Attorney-General of Canada shall, upon the application of the Surveyor-General, immediately institute a suit upon the bond of such surveyor; and the institution of such suit shall operate as a lien on any property owned or held by such surveyor, or his sureties, at the time the suit is instituted. 46 V., c. 17, s. 107, part.

SURVEYORS TO KEEP JOURNALS AND FIELD NOTES AND TO FURNISH COPIES. Sec. 122. Every Dominion land surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and shall file them in the order of time in which the surveys have been performed, and he shall give copies thereof to all persons concerned, when required to do so; and for so doing he shall be paid the sum of one dollar for each copy, if the number of words therein does not exceed four hundred—but if the number of words therein exceeds four hundred, he shall be paid ten cents additional for every hundred words over and above four hundred words. 46 V., c. 17, s. 123.

ALLOWANCE TO SURVEYOR FOR ATTENDANCE AS WITNESS. Sec. 123. Every Dominion land surveyor summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity as surveyor, shall be allowed five dollars for each day he so attends, in addition to his reasonable traveling and living expenses, to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such court. 46 V., c. 17, s. 124.

CHAIN BEARERS.

CHAIN BEARER TO BE SWORN. Sec. 124. Every chain bearer employed in the survey of Dominion lands shall, before he commences his chaining or measuring, take an oath or affirmation that he will discharge such duty with exactness, ac-

cording to the best of his judgment and ability, and render a true account of his chaining or measuring to the surveyor by whom he has been appointed to such duty; and any Dominion land surveyor may administer such oath or affirmation. 46 V., c. 17, s. 108

STANDARD OF MEASURE.

STANDARD TO BE ENGLISH MEASURE OF LENGTH. Sec. 125. The measure of length used in the surveys of Dominion land shall be the English measure of length; and every Dominion land surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard, tested and stamped as correct by the Department of Inland Revenue, shall be furnished to him by the secretary of the board on payment of a fee of eight dollars therefor; and all Dominion land surveyors shall, from time to time, regulate and verify, by such standard, the length of their chains and other instruments for measuring; and the said standard measure shall be returned to the secretary of the board as often as it requires to be tested again:

PENALTY OF SURVEYOR WITHOUT STANDARD. Every surveyor who is found performing his duties without being in possession of the standard measure which by this clause he is required to have, shall be liable to be suspended for a period not exceeding twelve months. 49 V., c. 27, s. 21.

RENEWAL OF LOST CORNERS AND OBLITERATED LINES.

PROVISION WHERE THE ORIGINAL MOUND OR POST IS LOST. Sec. 126. Whenever a Dominion land surveyor is employed to run any dividing line or limit between sections or other legal subdivisions, and the mound, post or monument erected, marked or planted in the original survey, to define the corner of such section or other legal subdivision, cannot be found, he shall obtain the best evidence that the nature of the case admits of, respecting such corner mound, post or monument; but if the position of the same cannot be satisfactorily so ascertained, he shall proceed as follows:—

(*a.*) If the lost corner mound, post or monument is that of a township corner, he shall report the circumstances of the case to the Surveyor-General, who shall instruct him how to proceed;

(*b.*) If the lost corner mound, post or monument is on one of the outlines of a township, he shall join, by a straight line, the nearest undisputed section or quarter-section corners on such outline, and divide such straight line in such number of sections or quarter-sections or other legal subdivisions as the same contained in the original survey,—giving to each an equal breadth;

(*c.*) If, in re-establishing the east or west boundary of a township, one of the nearest undisputed corners is on a correction line, every quarter-section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the quarter-section adjoining the correction line;

(*d.*) If in re-establishing the north or south boundary of a township surveyed under the first system of survey, one of the nearest undisputed corners is the western corner of the township, every quarter-section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the western quarter-section;

(*e.*) When the position of the township corner is also lost, it shall be re-established as aforesaid, previously to re-establishing the outline of the township;

(*f.*) When the lost corner is in the interior of a township, on the limit of a meridian road allowance, the surveyor shall connect the two nearest undisputed corners on such limit by a straight line, and divide the distance into such number of sections or other legal subdivisions as the same contained in the original survey, giving to each an equal breadth;

(*g.*) If one of the nearest undisputed corners is on a correction line, he shall make each quarter-section exactly forty chains and leave the deficiency or surplus, as the case may be, in the quarter-section adjoining the correction line.

(*h.*) When the nearest undisputed corners on the said limit of a meridian road allowance are in different townships, the outline between such townships shall be re-established previous to re-establishing the meridian;

(*i.*) When the lost corner is that of a quarter-section on a line running east and west, the surveyor shall join, by a straight

line, the opposite section corners on the meridians on each side, and give to each quarter-section an equal breadth;

(*j.*) If, in townships surveyed under the first system of survey, the lost corner is in the western row of sections of a township, the first quarter-section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the western quarter-section;

(*k.*) When the position of one of the corners on the meridians is also lost, such meridians shall be re-established previously to re-establishing the east and west line;

(*l.*) Whenever a surveyor erects, plants, or places a mound, post or monument as aforesaid, to renew a lost or obliterated corner, he shall duly take into account any allowance for road or roads, and the corner, or division or limit so established, shall be the true corner, or division or limit of such section or other legal subdivision. 46 V., c. 17, s. 110.

SURVEY OF LEGAL SUBDIVISIONS.

METHOD OF PROCEEDNG IN LAYING OUT A HALF OR QUARTER-SECTION OR OTHER LEGAL SUBDIVISION. Sec. 127. When, in the survey of legal subdivisions, it is necessary for a Dominion land surveyor to establish the division line between two sections, he shall effect this by connecting, by a straight line, the opposite original section corners, if they exist, and if not, by similarly connecting the points established in renewal thereof, in accordance with the next preceding clause, giving, in either case, the quarter-sections involved an equal breadth.

HALF OR QUARTER-SECTION. 2. In laying out a half-section or a quarter-section he shall connect the opposite quarter-section posts by straight lines.

OTHER SUBDIVISIONS. 3. In laying out other and minor legal subdivisions he shall give to every such subdivision its proportionate share or frontage and interior breadth, and connect the resulting terminal points by a straight line.

LINES DRAWN TO BE TRUE LIMITS. 4. The lines or limits so drawn on the ground in the manner above prescribed shall, in the respective cases, be the true lines or limits of such section, half-section or other legal subdivision,

whether the same correspond or do not correspond with the area expressed in the respective patents for such lands. 46 V., c. 17, s. 111.

DIVISION LINES IN FRACTIONAL SECTIONS.

DIVIDING LINES TO BE DRAWN FROM ORIGINAL CORNERS. Sec. 128. The dividing lines or limits between legal subdivisions, in fractional sections, shall be drawn from the original corners (or the points representing such corners, as defined on the ground, in accordance with the provisions of this Act), in the section line intended as the front of the lot.

NORTHERLY AND SOUTHERLY LINES. 2. Northerly or southerly lines shall be drawn due north or due south.

EASTERLY AND WESTERLY LINES. 3. Easterly or westerly lines shall be drawn at angle with the meridian equal to the mean of the angles formed with the same meridian by the lines which are the northern and the southern boundaries respectively of the section. 46 V., c. 17, s. 112.

ORIGINAL BOUNDARY LINES.

BOUNDARIES UNDER THIS ACT ARE TO BE DEEMED THE TRUE ONES. Sec. 129. All boundary lines of townships, sections or legal subdivisions, towns or villages, and all boundary lines of blocks, gores, and commons, all section lines and governing points, all limits of lots surveyed, as defined by mounds, posts or monuments, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land under the authority of this Act or of the Governor in Council, shall, subject to the provisions hereinafter in this clause contained, be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, respectively, whether the same, upon admeasurement, are or are not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land.

TOWNSHIP SURVEY MAY BE CANCELED. 2. Whenever the Minister of the Interior has reason to believe that any gross irregularity or error has been made in the survey of any township surveyed under the authority of this Act, the Governor in Council, upon the recommendation of the Minister of the Interior, may direct that such survey shall be canceled and a new survey made, and the said new survey shall be made accordingly.

BOUNDARY MARKS IN SUCH CASE. 3. In effecting any new survey as provided by the preceding sub-clause, all posts, mounds or other marks placed to mark the original survey which is to be corrected, may be removed, and the new posts, mounds or other marks placed to mark and define the new survey shall become the original marks of such survey.

AMENDMENT OF PLANS. 4. The plan of any survey performed under the provisions of this Act, and of record in the Department of the Interior, or any tracing or lithographed copy of the same, may be altered and amended so as to show any and all alterations made by a new survey effected as provided by this Act. 52 V., c. 27, s. 7.

TOWNSHIP AND OTHER LEGAL SUB-DIVISIONS TO COMPRISE ALL THE SPACE WITHIN THEIR BOUNDARIES. Sec. 130. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries, respectively, so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less—any quantity or measure expressed in the original grant or patent thereof notwithstanding. 46 V., c. 17, s. 114.

AS TO ALIQUOT PARTS OF TOWNSHIPS, &c.—Sec. 131. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal subdivision, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same contains on the ground, whether such quantity is more or less than that expressed in such patent, grant or instrument. 46 V., c. 17, s. 115.

ROAD ALLOWANCES IN TOWNS, &c., TO BE PUBLIC HIGHWAYS. Sec. 132. In every town and village in

Manitoba or the Northwest Territories, surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Dominion land surveyors employed to make surveys in such town or village shall follow and pursue the same rules and regulations in respect of such surveys as are, by law, required of them when employed to make surveys in townships. 46 V., c. 17, s. 116.

EVIDENCE BEFORE SURVEYORS.

SURVEYORS MAY EXAMINE WITNESSES ON OATH. Sec. 133. Every Dominion land surveyor acting in that capacity may examine witnesses on oath, with respect to all matters relating to the settlement, occupation or possession of Dominion lands, and to the survey of lands, and for better ascertaining the original corner or limits of any township, section or other legal subdivision, lot or tract of land, and may administer such oath or oaths to every person whom he examines in relation to such matters. 46 V., c. 17, s. 117.

HOW SURVEYORS SHALL PROCEED TO ASCERTAN BOUNDARIES WHEN DOUBTFUL. SUBPOENA MAY BE ISSUED. Sec. 134. Whenever any Dominion land surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, and if such person does not willingly appear before and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor may apply to any justice of the peace for an ordinary subpoena ad testificandum or a subpoena duces tecum, as the case requires, accompanying such application by an affidavit or solemn declaration made before such

justice of the peace, of the facts on which the application is founded; and such justice may issue a subpoena accordingly, commanding such person to appear before the surveyor at a time and place mentioned in the subpoena, and, if the case requires it, to bring with him any writing, plan or document mentioned or referred to therein.

HOW SERVED. 2. Such subpoena shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some adult person of his family at his residence, exhibiting to him or such adult person the original.

PENALTY FOR DISOBEYING IT. 3. If the person required in such subpoena to appear, after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the subpoena, or to produce the writing, plan or document, if any, therein mentioned or referred to, or to give such evidence and information as he possesses touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days, or to both, in the discretion of such justice. 46 V., c. 17, s. 118.

EVIDENCE TAKEN BY SURVEYOR TO BE REDUCED TO WRITING AND SIGNED. Sec. 135. All evidence taken by a Dominion land surveyor, as aforesaid, shall be reduced to writing and shall be read over to the person, giving the same, and shall be signed by such person; or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as shall also the Dominion land surveyor; and such evidence shall, and any document or plan prepared and sworn to as correct before a justice of the peace, by any Dominion land surveyor, with reference to any survey by him performed, may be filed and kept at the registry office of the place in which the lands to which the same relate are situate, subject to be produced thereafter in evidence in court. 46 V., c. 17, s. 119.

POWER TO ENTER UPON PRIVATE LANDS. Sec. 136. Any Dominion land surveyor, when engaged in the performance of his duties as such, may pass over, measure along

and ascertain the bearings of any township or section line, or other governing line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. 46 V., c. 17, s. 120.

OFFENSES.

PENALTY FOR MOLESTING SURVEYOR IN DISCHARGE OF HIS DUTY. Sec. 137. Every person who, in any part of the Dominion lands, interrupts, molests or hinders and Dominion land surveyor while in the discharge of his duty as a surveyor, is guilty of a misdemeanor, and liable to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding two months, or to both, in the discretion of the court. 46 V., c. 17, s. 121.

PENALTY FOR PULLING DOWN OR DESTROYING LANDMARKS PLACED BY SURVEYOR ON ORIGINAL SURVEY. Sec. 138. Every person who, knowingly and wilfully, pulls down, defaces, alters or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this Act, or under the authority of the Governor in Council, is guilty of felony, and shall be liable to imprisonment for any term not exceeding seven years.

AND FOR PULLING DOWN OR DESTROYING OTHER LANDMARKS SO PLACED. 2. Every person who, knowingly and wilfully, defaces, alters, or removes any other mound or landmark, post, or monument placed by any Dominion land surveyor to mark any limit, boundary or angle of any township, section or other legal subdivision, lot or parcel in land in Manitoba or the Northwest Territories, is guilty of a misdemeanor, and liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. 46 V., c. 17, s. 122, part.

AS TO EXAMINING POSTS. Sec. 139. Nothing in this Act shall extend to prevent Dominion land surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before. 46 V., c. 17, s. 122, part.

SCHEDULE.

FORM A.

No. ...

APPLICATION FOR A HOMESTEAD ENTRY.

I, , of , do hereby apply for a homestead entry, under sub-clause of clause 38 of "The Dominion Lands Act," for the quarter-section of section number , of the township, in the range of the meridian. District.

18 ,

46 V., c. 17, sch. form A, as amended by O. in C. of 29th March, 1888.

AFFIDAVIT in support of claim for homestead entry by a person who has not previously obtained homestead entry.

I, , do solemnly swear (or affirm) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption entry; that there is no person residing on the said land nor are there any improvements thereon, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn to, this day of 18 , before me.

(Signature.)

Local Agent.

Affidavit to form A. Vide O. in C. 29th March, 1888.

FORM B.

AFFIDAVIT in support of claim for homestead entry by a person who has bona fide settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (or affirm, as the case may be)

that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption entry; that I became resident upon and began to cultivate the said land on the day of 18 , before the same was surveyed; that I have resided upon and cultivated the said land continuously ever since; that there is no other person residing or having improvements upon it, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn to, this day of 18 , before me.

(Signature.)

Local Agent.

46 Vic., c. 17, sch. form B.

FORM C.

AFFIDAVIT in support of claim for homestead entry by a person who has not previously settled on the land.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made of the class open for homestead and pre-emption entry; that there is no person residing on the said land, nor are there any improvements thereon, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn to, this day of 18 , before me

(Signature.)

Local Agent.

46 V., c. 17, sch. form C.

FORM D.

AFFIDAVIT in support of a claim for homestead entry by a person who has previously obtained and has forfeited, his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption entry; that there is no person residing on the said land, nor are there any improvements thereon; that I obtained homestead entry on the day of 18 , for the quarter-section township range of the meridian, but forfeited the same; that by order of the Minister of the Interior, which I now produce, I have been permitted to make application for and receive another homestead entry, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the land applied for, and not directly or indirectly for the use or benefit of any other person or persons whomsoever.

Subscribed and sworn to, this day of 18 , before me.

(Signature.)

Local Agent.

46 V., c. 17, sch. form D.

FORM D 1.

AFFIDAVIT in support of a claim for homestead entry by a person who has previously obtained a recommendation for patent for a homestead, after three years' residence and cultivation

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead entry; that there is no person residing upon the said land, nor are there any improvements thereon; that this application is made for my exclusive right and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirect-

ly, for the use or benefit of any other person or persons whomsoever; that I obtained entry for the quarter-section of section , township , range , of the meridian as a homestead, on the day of 18 , being the only homestead for which I have received a patent or certificate of recommendation for patent, that I resided upon and cultivated the same for three years, and that I had earned title to my said homestead on or before the second day of June, 1889, certificate of which fact, signed by the proper Agent of Dominion lands and countersigned by the Commissioner of Dominion lands, I now produce.

Subscribed and sworn to, this day of 18 , before me.

(Signature.)

Local Agent.

Form D 1—Vide O. C. 5th July, 1890, and O. C. 25th July, 1895.

FORM D 2.

AFFIDAVIT in support of a claim for a homestead entry by a person who has earned title to a homestead, after three years' residence and cultivation, but cannot obtain a recommendation for patent until the lien on his homestead is discharged.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead entry; that there is no person residing upon the said land, nor are there any improvements thereon; that this application is made for my exclusive use and benefit, with the intention of residing upon the said land, nor are there any improvements thereon; that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not, directly or indirectly, for the use and benefit of any other person or persons whomsoever; that I obtained entry for the quarter-section of section , township , range of the meridian as a homestead, on the day of , 18 , being the only homestead for which I have received a patent or certificate of recommendation for patent, that I resided upon and cultivated

the same for three years, and that I had earned title to my said homestead on or before the second day of June, 1889, a letter certifying which fact, signed by the Commissioner of Dominion lands, I now produce.

Subscribed and sworn to, this day of 18 , before me.

(Signature.)

Local Agent.

Form D 2—Vide O. C. 5th July, 1890, and O. C. 25th July, 1895.

FORM D 3.

AFFIDAVIT in support of a claim for homestead entry, by a person who has previously obtained a homestead by purchase, prior to the 2nd day of June, 1889, to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead entry; that there is no person residing on the said land, nor are there any improvements thereon; that I obtained homestead entry on the day of 18 , for the quarter-section of section , township , range of the meridian, by purchase after twelve months' residence thereon or under the provisions of "The Dominion Lands Act" in that behalf, being the only homestead for which I have received a patent or certificate of recommendation for patent, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the land applied for, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever.

Subscribed and sworn to, this day of 18 , before me.

(Signature.)

Local Agent.

Form D 3—Vide O. C., 5th July, 1890, and O. C., 25th July, 1895.

FORM E.

I certify that I have received from the sum of ten dollars, being the office fee for homestead entry, (or pre-emption entry in connection with homestead entry, as the case may be), for (describe the land) and that the said is, in consequence of such entry and payment, vested with the rights conferred in such cases by the provisions of "The Dominion Lands Act," respecting homestead rights.

Local Agent.

(Place—Date.)

46 V., c. 17, sch. form F.

FORM F.

No....

APPLICATION FOR A HOMESTEAD ENTRY BY AN AGENT.

I, , do hereby apply on behalf of of the of in the County of for a homestead entry, under the provisions of sub-clause of clause 38 of "The Dominion Lands Act," for the quarter-section of section number of the township, in the range west of meridian. District, 18 .

(Signature.)

46 V., c. 17, sch. form G, as amended by O. in C. of 5th June, 1890.

FORM G.

AFFIDAVIT by an agent in support of a claim for homestead entry on behalf of a person who has bona fide settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (or affirm, as the case may be) that , for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is of the class open for homestead and pre-emption entry;

that the said became resident upon and began to cultivate the said land on the day of , 18 , before the same was surveyed; that he has resided upon and cultivated the said land in conformity with the requirements of the homestead provisions of the Dominion lands law ever since; that there is no other person residing on, or claiming, or having improvements upon it, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that he has not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn to, this day of 18 , before me.

(Signature.)

Local Agent.

46 V., c. 17, sch. form H.

FORM H.

AFFIDAVIT by an agent in support of claim for homestead entry on behalf of a person who has not previously settled on the land.

I, A. B., do solemnly swear (or affirm, as the case may be) that of , for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is of the class open for homestead and pre-emption entry; that there is no person residing upon the said land, nor are there are any improvements thereon, and that the application is made for the exclusive use and benefit of the said with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that he has not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed an sworn to, this day of 18 , before me.

(Signature.)

Local Agent.

46 V., c. 17, sch. form J.

FORM J.

AFFIDAVIT by an agent in support of a claim for homestead entry on behalf of a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that , for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which application is made is of the class open for homestead and pre-emption entry; that there is no person residing on the said land, nor are there any improvements thereon; that he obtained homestead entry on the day of 18 , for the quarter-section of section , township , range , of the meridian, but forfeited the same; that by an order of the Minister of the Interior, which I now produce, he has been permitted to make application for and receive another homestead entry, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the land applied for, and not directly or indirectly for the use or benefit of any other person or persons whomsoever.

Subscribed and sworn to, this day of 18 , before me.

(Signature.)

Local Agent.

46 V., c. 17, sch. form K.

FORM J 2.

AFFIDAVIT by an agent in support of a claim for homestead entry on behalf of a person who has previously obtained a recommendation for patent for a homestead after three years' residence and cultivation.

I, , do solemnly that , for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is of the class open for homestead entry; that there is no person residing upon and cultivating the said land, nor are there any improvements

thereon; that the application is made for the exclusive use and benefit of the said with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; that the said obtained entry for the quarter-section of section , township , range , of the meridian, as homestead on the day of , 18 , being the only homestead for which he has received a patent or certificate for recommendation for patent, that he resided upon and cultivated the same for three years, and that his said homestead has been recommended for patent, certificate of which fact, signed by the proper agent for Dominion lands, and countersigned by the Commissioner of Dominion lands, I now produce.

Subscribed and sworn to, this day of 18. . before me.

(Signature.)

Local Agent.

Form J 2.—Vide O. C. 25th July, 1895.

FORM K.

I certify that , who is the holder of a homestead entry (or homestead and pre-emption entry, as the case may be) for (describe the land), has complied with the provisions of the law required to be conformed to in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

Local Agent.

(Place—Date.)

Countersigned:

Commissioner of Dominion Lands,
or Member of the Dominion Lands Board.

46 V., c. 17, sch. form M.

FORM K 1, No...

This certificate is not valid unless countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board.

CERTIFICATE OF RECOMMENDATION FOR PRE-EMPTION PATENT.

Department of the Interior,
Office of Dominion Lands,
18 .

I certify that , who is a holder of a homestead entry for of section , township range , west of the meridian, and a pre-emption entry for the of the same section, has deposited with me the sum of dollars, in full payment for such pre-emption, the receipt whereof is hereby acknowledged, and that the said has complied with the provisions of the law required to be conformed to, in order to entitle him to receive a patent for such pre-emption, and that I have recommended the issue of such patent. Certificate of recommendation for homestead patent issued on day of 18 , and was duly countersigned on day of 18 .

Countersigned at Winnipeg,
this day of , 18 .
Commissioner of Dominion Lands. Local Agent.

Form K 1.—Vide O. C. 16th January, 1891.

FORM L.

ACKNOWLEDGMENT AND CHARGE.

I, the undersigned holding as a homestead the quarter of section , township , range of the meridian, upon which I have been established since the day of , 18 , hereby acknowledge to have received from as an advance under the provisions of "The Dominion Lands Act," and amendments thereto, in aid of my establishment upon the said homestead, the sum of dollars as shown by the statement thereof as hereto annexed, certified by the which sum of money I undertake to pay to the said his representatives or assigns in years from the day of 18 , as follows:—

with interest thereon from the day of 18 , at the rate of per cent per annum payable yearly on the day of in each year, the first installment whereof will become due on the day of , 18 ; and as security for such payments I hereby create a first mortgage and chage upon the said homestead according to the provisions of the said Act and amendments thereto.

I create the said mortgage and charge upon the condition that I am to have the privilege of paying off the said advance at any time prior to the expiration of the said years.

In witness whereof the parties hereto have executed these presents in triplicate, this day of , 18 .

Signed, sealed and delivered in presence of

(L. S.)

STATEMENT OF EXPENSES.

For cost of passage..... ....$
do subsistence..... ....
do entry fee..... ....
do breaking land..... ....
do selecting land and placing settler thereon....
do legal expenses..... ....
do material for building and cost of erection..
do horses and cattle..... ....
do house furniture..... ....
do farm implements..... ....
do seed grain..... ....
Interest on $, to 18 .

52 V., c. 27, s. 8, form L.

FORM M.

OATH OF MEMBER OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duty of an examiner of candidates for commissions as Dominion land or topographical surveyors according to law, without favor, affection or partiality. So help me God.

46 V., c. 17, sch. form N.

FORM N.

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

These Articles of Agreement, made the day of one thousand eight hundred and , between A. B., of of Dominion land surveyor, of the one part, and C. D., of and E. F., son of the said C. D., of the other part, witness:—

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B., to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended.

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well and faithfully, and diligently, according to the best and utmost of his power, serve the said A. B. as his pupil in the practice or profession of a Dominion land surveyor, which he, the said A. B., now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years.

And that he, the said E. F., shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last mentioned covenant, or if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehavior, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof.

And further, that the said E. F. shall, at all times, keep the secrets of the said A. B., in all matters relating to the

said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and, from time to time, pay all moneys which he shall receive of or belonging to or by order of the said A. B., into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A. B. at any time during the said term, without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he, the said E. F., will truly, honestly and diligently serve the said A. B., at all times, for and during the said term, as a faithful pupil ought to do, in all things whatsoever in the manner above specified.

In consideration whereof, and of of lawful money by the said C. D., to the said A. B., paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B., for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil and that he, the said A. B., will by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by clause one hundred and thirteen of "The Dominion Lands Act," in practical surveying operations, and in the use of instruments, and generally in the art, practice and profession of a Dominion land surveyor, which he, the said A. B., now doth and shall, at all times during the said term, use and practice, and also provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, make the affidavit of service required by section one hundred and four of "The Dominion Lands Act," and use his best means and endeavors

at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and procure him, the said E. F., to be examined before the Board of Examiners of candidates for commissions as Dominion land surveyors: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them, the said A. B. and C. D., doth bind himself, his heirs, executors, administrators, unto the other, his heirs, executors, administrators and assigns, in the penal sum of five hundred dollars, firmly by these presents:

In witness thereof, the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (Seal.)
C. D. (Seal.)
E. F. (Seal.)

Signed, sealed and delivered, in the presence of

G. H.,
J. H.

46 V., c. 17, sch. form O.

FORM O.

AFFIDAVIT BY THE SURVEYOR.

I, A. B., of , Dominion land surveyor, do solemnly swear that E. F. has served regularly and faithfully as my pupil from the day of , 18 , to the day of 18 . That he has been engaged with me in the field on the following surveys, that is to say:

From the day of to the day of , on the survey of at .

From the day of to the day of , on the survey of at , and that the said E. F. has always conducted himself with all due diligence, honesty and sobriety on the said service.

Sworn before me

49 V., c. 27, s. 22, part.

FORM P.

AFFIDAVIT BY THE PUPIL.

I, E. F., of , do solemnly swear that I have attained the full age of twenty-one years; that I have served regularly and faithfully with A. B., Dominion land surveyor, as his pupil, from the day of 18 , to the day of 18 , that I have been engaged with him in the field between the following dates on the following surveys, that is to say:

From the day of to the day of on the survey of at

From the day of to the day of on the survey of at

Sworn before me

49 V., c. 27, s. 22, part.

FORM Q.

COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify to all whom it may concern, that A. B., of , hath duly passed his examination before the Board of Examiners, and hath been found duly qualified to fill the office and perform the duties of Dominion land surveyor, he having complied with all the requirements of the law in that behalf: Wherefore, he, the said A. B., is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practice as a surveyor of Dominion lands.

In witness whereof, we, the President and Secretary of the said Board, have signed this commission, at on this day of one thousand eight hundred and

C. D.
Surveyor-General.
E. F.
Secretary.

46 V., c. 17, sch. Form P.

FORM R.

ACKNOWLEDGMENT AND CHARGE.

I, the undersigned hereby acknowledge to have received the sum of dollars from as an advance under the provision of "The Dominion Lands Act," and amendments thereto, in aid of my establishment upon a homestead in Manitoba or the North-west Territories of Canada, which sum of money I undertake to pay to the said his representatives or assigns in years from the day of 18 , as follows:—

with interest thereon from the day of 18 , at the rate of per cent per annum payable on the day of , in each year; the first installment whereof will become due on the day of 18 , and as security for such payments I hereby undertake and agree that the homestead for which I shall obtain entry shall be charged with the said sum of money advanced to me, with interest thereon at a rate not exceeding eight per cent per annum, according to the said Act and amendments thereto. I create the said charge upon condition that I am to have the privilege of paying off the said advance at any time prior to the expiration of the said years.

In witness whereof, the parties hereto have executed these presents in triplicate, this day of 18 .

Signed, sealed and delivered in presence of . .

(L. S.)

52 V., c. 27, sch. 9, form R.

60-61 VICTORIA.

Chapter 29.

AN ACT TO FURTHER AMEND THE DOMINION LANDS ACT.

(Assented to 29th June, 1897.)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

INTERPRETATION R. S. C., c. 54. Sec. 1. In this Act, unless the context otherwise requires, the expression "the said Act" means The Dominion Lands Act, chapter fifty-four of the Revised Statutes.

CLAUSE THIRTY-FOUR AMENDED. Sec. 2. Subclause three of clause thirty-four of the said Act, as amended by section one of chapter twenty-four of the statutes of 1891, is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

CLAUSE THIRTY-EIGHT AMENDED. Sec. 3. Subclause four of clause thirty-eight of the said Act is hereby amended by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words, "or his senior assistant, or before some other person named for that purpose by the Minister."

CLAUSE THIRTY-EIGHT AMENDED. Sec. 4. Clause thirty-eight of the said Act is hereby further amended by adding the following sub-sections thereto:—

SECOND HOMESTEAD ENTRY BY SETTLER OR HIS SON. "9. If a settler has obtained a patent for his first homestead or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, or if any son of such settler, who has attained the age of eighteen years, has obtained entry for a homestead, the requirements of this Act as to residence prior

to obtaining patent may be satisfied, in the case of the parent, by residence upon his first homestead, and, in the case of a son, by residence upon the parent's homestead.

CONDITIONS ON WHICH PATENT MAY BE OBTAINED. "10. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board,—

RESIDENCE. "(a.) That he has fulfilled three years' residence upon the land which is the subject of his entry, if the land is a homestead, and upon his homestead if the land is pre-emption, in accordance with the provisions as to three years' residence upon a homestead which are contained and explained in this Act;

CULTIVATION. "(b.) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced;

CATTLE. "(c.) That he has at least forty head of cattle upon such land;

BUILDINGS. "(d.) That he has erected on such land, or upon land occupied by him in the vicinity, stables and outhouses sufficient to winter at least forty head of cattle."

CLAUSE FORTY-TWO REPEALED. Sec. 5. Clause forty-two of the said Act is hereby repealed, and the following substituted therefor:—

ASSIGNMENTS BEFORE ISSUE OF PATENT TO BE VOID. FORFEITURE. PROVISO: IN CASE OF RECOMMENDATION FOR PATENT BY LOCAL AGENT. "42. Unless the Minister otherwise declares, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void; and, unless the Minister otherwise declares, the person so assigning or transferring, or making an agreement to assign or transfer, shall forfeit his home-

stead and pre-emption right, and shall not be permitted to make another homestead entry; provided that a person whose homestead or homestead and pre-emption have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form of K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned."

CLAUSE FIFTY REPEALED. Sec. 6. Clause fifty of the said Act is hereby repealed, and the following substituted therefor:—

LEASE OF GRAZING LANDS. "50. When so authorized by the Governor in Council, leases of unoccupied Dominion Lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are set forth in regulations authorized from time to time by the Governor in Council."

SALE OF SCHOOL LANDS TO HON. PETER McLAREN. PROVISO: OTHER LANDS TO REPLACE THEM. Sec. 7. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale, upon such terms as are thought proper, to the Honorable Peter McLaren, of the following school lands, that is to say,—the northerly twenty-five acres of that portion of the northwest quarter of section eleven in township nine and range twenty-six, west of the fourth meridian, in the provisional district of Alberta, the southern boundary of the said twenty-five acres of land to be a due east and west line: Provided that such sale shall not take place until the Minister, by notice in the "Canada Gazette," has set apart as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

SALE OF SCHOOL LANDS TO FORMER LESSEES OF GRAZING RANCHES. PROVISO: OTHER LANDS TO REPLACE THEM. Sec. 8. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Coun-

cil may authorize the sale to any former lessee of a grazing ranch in the Northwest Territories, whose lease was, with other similar leases, determined pursuant to the provision of an Order in Council of the twelfth day of October, one thousand eight hundred and ninety-two, and who was thereby given, among other privileges, permission to purchase not in excess of ten per cent of his leasehold at the rate of two dollars per acre (which rate was subsequently reduced to one dollar and twenty-five cents by an Order in Council of the twenty-second day of April, one thousand eight hundred and ninety-three) as part of such ten per cent of his leasehold, of any school lands comprised therein: Provided that such sale shall not take place until the Minister, by notice in the "Canada Gazette," has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

GRANT OF HOMESTEAD TO EDWARD W. JOHNSTON. Sec. 9. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor in Council, may grant to Edward W. Johnston a homestead entry for the southeast quarter of section eleven in township eleven and range four, east of the first meridian, upon proof to the satisfaction of the Minister that he was in bona fide occupation of the said land prior to the first day of January, one thousand eight hundred and eighty, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

OTHER LANDS TO REPLACE IT. 2. The Minister may cause to be selected in lieu of the said school lands, an equal area of vacant and unreserved Dominion Lands within the province of Manitoba, of equal value as nearly as may be, for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of Dominion Lands are set apart under the provisions in that behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the "Canada Gazette."

CLAUSE NINETY-SIX AMENDED. Sec. 10. Clause ninety-six of the said Act is hereby amended by striking out the word "and" in the second line thereof, and inserting the word "or" in lieu thereof.

CLAUSE NINETY-EIGHT REPEALED. Sec. 11. Clause ninety-eight of the said Act is hereby repealed and the following clause is substituted in lieu thereof:—

"Sec. 98. The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases."

APPLICATION FOR HOMESTEAD BY WOMAN AS HEAD OF FAMILY. Sec. 12. If, in the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister may decide from the special circumstances of the case whether such application shall be granted or refused.

ISSUE OF PATENT AFTER DEATH OF APPLICANT. Sec. 13. Where patents for any lands have been or are hereafter issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall not therefore be void, but the title to the land designated therein and granted or intended to be granted thereby shall become vested in the heirs, assigns, devisees or other legal representatives of such deceased person according to the laws of the province in which the land is situated, as if the patent had issued to the deceased person during life.

ISSUE OF PATENT IN CASE OF MENTAL INCAPACITY OF SETTLER. Sec. 14. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to do so,

may furnish such proof if the conditions of entry have been wholly fulfilled by such person, or, if only partly fulfilled, may complete them and then furnish the necessary proof, as the legal representative of such person.

1891, c, 24, CLAUSE 7, AMENDED. Sec. 15. Clause seven of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following sub-clause thereto:—

AS TO ENTRIES OBTAINED BEFORE SEPT. 30, 1891. "2. In the case of any entry obtained before the thirtieth day of September, one thousand eight hundred and ninety-one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight: Provided that in no case shall any homestead entry be canceled under the provisions of this section until the person who made the entry has been given at least three months' notice in writing by the Minister that his entry will be forfeited because of his neglect to apply for patent, such notice to be mailed to the address of such person to the post-office nearest the land which is the subject of the entry."

1891, c. 24, CLAUSE 10, AMENDED. REGISTRATION. Sec. 16. Clause ten of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following words thereto: "and where the person so interested is unable to obtain an affidavit by a witness to the execution of the acknowledgment and charge by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the local agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office; and it is hereby declared that if the said acknowledgment and charge was so duly filed it shall be considered to have constituted a first charge upon such land from the date of its filing with the local agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law."

CROFTERS, SECOND HOMESTEAD ENTRY TO. 1888, c. 21. Sec. 17. Notwithstanding anything in the said Act contained, any person who has been placed on homestead lands or

has been assisted to place himself on such lands by the Board mentioned in chapter twenty-one of the statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

DISPOSAL OF FIRST HOMESTEAD. 2. The lands so abandoned may be granted to the said Board subject to a condition that the Board shall place a bona fide settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the Board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a bona fide settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as is named in such patent as the fair value of such lands, on pain, in case of refusal, of the forfeiture of such lands and of all claims thereon and of the patent or other title thereto.

IF FIRST HOMESTEAD IS VALUED AT LESS THAN CHARGES THEREON. 3. The Minister shall, for the purposes of this section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required, before he is granted a second entry, to sign an acknowledgment in the form R in the schedule to the said Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

ISSUE OF LETTERS PATENT TO SETTLER OR PURCHASER WHO IS INDEBTED TO THE CROWN. Sec. 18. In any case in which any settler or purchaser is entitled to the issue of letters-patent for any land to which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favor of the Crown or the Minister, for the repayment of an advance of seed grain, or on account of any

other indebtedness to the Crown, the Minister may cause such letters-patent to issue in favor of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situated, with a certificate signed by him or his deputy, or by some other person named by him for the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness, with the rate of interest to be paid thereon, the name of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar when registering the patent for such land shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

LANDS IN YUKON DISTRICT AND REMOTE PARTS of N. W. T. MAY BE LAID OFF INTO LOTS. Sec. 19. Notwithstanding anything in the said Act contained, the Minister may direct that lands in the Yukon District and in remote parts of the unorganized portions of the Northwest Territories shall be laid off into lots of such size and shape as may be found advisable: and such lots may be dealt with and may be described according to plans of record.

PART VI.

BRITISH COLUMBIA.

CROWN LANDS BELONGING TO THE PROVINCE.

PART 6.

PROVINCE BRITISH COLUMBIA.

CROWN LANDS.

CHAPTER 66.

ACT OF 1884 TO CONSOLIDATE THE LAWS AFFECTING CROWN LANDS WITH AMENDMENTS.

C. A., c. 66, 1890, c. 22, 1891, c. 15, 1892, c. 25, 1893, c. 22, 1894, c. 24, 1895, c. 27, 1896, c. 28, 1897, c. 19.

Her Majesty, by and with the advise and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

SHORT TITLE.

SHORT TITLE. Sec. 1. This Act may be cited as the "Land Act." 1884, c. 16, s. 77.

INTERPRETATION.

MEANING OF CERTAIN TERMS. Sec. 2. In the construction and for the purposes of this Act (if not inconsistent with the context or subject matter), the following terms shall have the respective meanings hereinafter assigned to them:—

"Chief Commissioner of Lands and Works" shall mean and include the Chief Commissioner of Lands and Works, and any person for the time being lawfully acting in that capacity:

"Commissioner shall mean the Chief Commissioner of Lands and Works of this Province, or the person acting as such for the time being, and shall include every Stipendiary Magistrate for the time being in charge of any district, and every person duly authorized by the Lieutenant-Governor in Council to act as and for the Chief Commissioner of Lands and Works as Assistant Chief Commissioner of Lands and Works in any District in which the land that may be referred to lies, other than that in which the chief office of the Lands and Works Department is situated, and any other district or districts for

which no such Assistant Commissioner of Lands and Works as aforesaid has been appointed:

"Crown lands" shall mean all lands of this Province held by the Crown without incumbrance:

"Chinese" shall mean any native of the Chinese Empire or its dependencies, and shall include any person of the Chinese race:

"Crown Grant" shall mean any instrument in writing under the Public Seal of the Province conveying land in fee simple. R. L. No. 131, s. 12; 1884, c. 2. s. 3; 1892, c. 25, s. 10.

SYSTEM OF SURVEY.

PLAN OF TOWNSHIPS. Sec. 3. The Crown lands, where such a system is practicable, shall be laid off and surveyed into quadrilateral townships, containing thirty-six sections, of one mile square in each, by lines running astronomically North and South, crossed by others running astronomically East and West.

(a.) The sections shall be numbered as shown in the following diagram:—

N.

31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1

W. E.

S.

(3.) Quarter-section corners shall be established equidistant between the section corners, except on the section lines closing on the North and West boundaries of Townships, on which they are set at forty chains from the last section corner, and excess or deficiency of measure, if any, shall be carried out into the last half-mile, and cast upon the North and West sides of the Township:

(4.) The dimensions and area of the irregular quarter-sections shall in all cases be returned by the Surveyor at their actual measurements and contents:

(5.) All sections shall be closed by first running a random line East or West, as the case may be, to intersect the opposite corresponding corner post. Should this random line not intersect the post, then the distance shall be measured and a correct line run (care being taken to note the course) East or West, as the case may be, upon which the quarter-section post shall be established East and West lines must close within one hundred links:

(6.) All lines shall be run to the cardinal points of the compass:

(7.) Transits, theodolites, or other instruments, independent of the magnetic needle, must be used in running lines:

(8.) Section posts shall not be less than four inches square, four feet out of the ground, and scribed with the number of the Township and adjoining sections on the sides facing them:

(9.) Quarter-section posts shall not be less than three inches square, three feet out of the ground, and marked.

(10.) All posts shall be squared two feet from the top, except half-section posts, which shall be flattened only on two sides:

(11.) All posts shall be pointed from the top to shed the water:

(12.) All posts shall be securely placed in the ground where practicable:

(13.) Pieces of charcoal or marked stones shall be placed under each post and the fact carefully noted in the field-book:

(14.) In prairies, posts shall have mounds raised round them to a height of at least two feet six inches, either of earth or stones, and the posts to be scribed with the number of Township and Section on each side:

(15.) Mounds shall be three feet square at the base. At a distance of one foot from each side of each mound a trench shall be dug at least two feet wide and one foot deep:

(16.) On rocks, or where it is impossible to sink posts, they shall be surrounded by a cairn of rocks at least thirty inches high, the base to be three feet square:

(17.) Four bearing trees shall be taken for every post, the trees being marked B. T., with distance from post, and faced towards the post:

(18.) The lines through timber shall be thoroughly blazed, two blazes to be made on each tree quartering on the line, so as to be easily distinguished and traced:

(19.) No tree shall be blazed at a greater distance than six feet on either side of the line:

(20.) All line trees shall be notched with three notches on each side in the direction of the line, and their size, kind of timber, and distance from the last section corner, shall be given in field-notes:

(21.) Surveys that have been made in any Township, or Pre-emptions, Military Grants, etc., to be taken up when crossed by Township or Section lines, and measurement made, and bearings taken to the nearest post, in such a manner that the fractional quarter-sections can be plotted and computed accurately. 1884, c. 16, s. 70, part.

FIELD-BOOKS. Sec. 4. Field-books must be ruled up the center of the page to represent the line that is being run, and the notes kept from the bottom towards the top, with sketches on each side; at the bottom of the page must be written the bearing of the lines (true or magnetic) and the direction in which it has been run:

(2.) The first entry in the field-book each morning shall be the date:

(3.) The Surveyor shall make full notes, as he proceeds, of the character of the country, nature of the soil, lakes, timber, etc., on both sides of the line:

(4.) All field-notes must be clearly and distinctly made in pencil on the spot: no additional notes should be entered with the original notes after the day on which the latter are written. Duplicates are to be kept in ink:

(5.) Plans must be plotted on a scale of four inches to a mile, showing all the information contained in the notes, with number of page in the field-book written on each section line:

(6.) The chaining must be correct as possible, and the chain frequently tested by a standard measure:

(7.) All streams or rivers that are crossed shall be noted, also their width, volume and direction:

(8.) Prairie land, timber, nature of soil, etc., shall be carefully noted:

(9.) The Surveyor shall describe each section as he completes its survey in his notes, as regards soil, timber, etc., and on the completion of a survey of a township, will append a general description of the said township:

(10.) Meander posts will be placed on the banks of large rivers, lakes, and on the sea-coast; and meanders made along such banks or sea-shore where necessary, so as to obtain the exact acreage of each fractional section. Meander lines must close to one hundred links:

(11.) Bearings, and distances to bearing trees, shall be carefully noted; also the kind of timber and size of the trees:

(12.) Indian villages or settlements, houses and cabins, fields or other improvements, shall be carefully noted:

(13.) Any unsurveyed pre-emption claims shall be shown on plans as correctly as possible. Settlers' houses and improvements shall be carefully described. The names of all bona fide settlers shall also be carefully noted:

(14.) All roads and trails, with their directions whence and whither, shall be carefully noted:

(15.) The Surveyor shall commence the survey of each township at the southeast corner, and complete the eastern tier of sections, viz: Nos. 1, 12, 13, &c., first; then return to the southern boundary of the township and complete the second tier of sections, viz: 2, 11, 14, &c., and so on until the township is completed. In cases where it is found absolutely necessary to deviate from this rule, the duplicate notes shall be arranged and copied in regular order, as if no such irregularity had taken place:

(16.) The field-notes and duplicates must be sworn to as correct by the Surveyor before some person duly authorized to administer oaths in the Province of British Columbia, prior to their acceptance by the Chief Commissioner of Lands and Works or his agent:

(17.) The random lines run by a contractor shall not be included in mileage to be paid for. 1884, c. 16, s. 70, part.

PRE-EMPTION OF SURVEYED AND UNSURVEYED LANDS.

WHO MAY RECORD UNSURVEYED LANDS. Sec. 5. Except as hereinafter appears, any person being the head of a family, a widow, or single man over the age of eighteen years, and being a British subject, or any alien, upon his making a declaration of his intention to become a British subject before a Commissioner, Notary Public, Justice of the Peace, or other officer appointed therefor which declaration shall be in the Form No. 1 in the Schedule to this Act, and upon his filing the same with the Commissioner, may record any tract of unoccupied and unreserved Crown Lands (not being an Indian settlement) not exceeding three hundred and twenty acres in extent in that portion of the Province situated to the northward and eastward of the Cascade or Coast Range of Mountains, and one hundred and sixty acres in extent in the rest of the Province: Provided, that such right shall not be held to extend to any of the aborigines of this continent, except to such as shall have obtained permission in writing to so record by a special order of the Lieutenant-Governor in Council.

The Lieutenant-Governor in Council may, by advertisement in the British Columbia Gazette, provide that in any specified area east of the Cascades, pre-emptions shall not exceed one hundred and sixty acres. 1893, c. 22, s. 2; 1895, c. 27, s. 8.

Sec. 5a. (Repealed, 1896, c. 28, s. 11.)

WHEN PRE-EMPTION RECORD TO BE GRANTED. Sec. 5b. No pre-emption record shall be granted except for land taken up for agricultural purposes, and no certificate of Improvement or Crown Grant shall be issued for such pre-emption until ten acres at least of such pre-emption have been brought under cultivation. 1896, c. 28, s. 15.

COMPANY MAY RECORD BY SPECIAL PERMISSION. Sec. 6. Any chartered or incorporated company may acquire such right, by obtaining permission in writing by a special order of the Lieutenant-Governor in Council. 1884, c. 16, s. 4.

STAKING AND MARKING BOUNDARIES OF CLAIM. Sec. 7. Any person desiring to pre-empt as aforesaid shall, if the land be unsurveyed, first place at each angle or corner of the

land to be applied for a stake or post at least four inches square, and standing not less than four feet above the surface of the ground; any stump of a tree may be used for a post, provided it be squared as aforesaid, and of the required height and dimensions, and upon each post a notice in the following form shall be affixed:—

"A. B.'s land, N.E. post" (meaning northeast post); "A. B.'s land, N.W. post" (meaning northwest post); and so on, as the case may be.

And if such land shall not be so staked off and marked, the applicant shall not have the right to record the land intended by him to be recorded; and if such land, not having been so staked and marked, shall nevertheless be recorded in favor of the applicant, he shall have no right at law or in equity therein or thereto. After the land is so staked and marked, the applicant shall then make application in writing to the Commissioner of the district in which the land is situate to record such land, and in such application the applicant must enclose a full description of the land intended to be recorded, and enclose a sketch plan thereof, and such description and plan shall be in duplicate; the applicant shall also make before a Justice of the Peace, Notary Public, or Commissioner, and furnish the Commissioner with, a declaration in duplicate, in the Form No. 2 in the Schedule hereto; and if the applicant shall in such declaration make any statement, knowing the same to be false, he shall have no right at law or in equity to the land the record of which he may have obtained by the making of such declaration. 1884, c. 16, s. 5.

PRE-EMPTION OF UNSURVEYED LAND. Sec. 8. Any person desiring to pre-empt surveyed land must make application in writing to the Commissioner of the district in which the land is situate to record such land, and in such application the applicant must give the surveyed description of the land intended to be recorded, and enclose a sketch plan thereof, and such description and plan shall be in duplicate; the applicant shall also make before a Justice of the Peace, Notary Public, or Commissioner, and furnish the Commissioner with, a declaration in duplicate, in the Form No. 2 in the Schedule hereto; and if the applicant shall in such declaration make any statement, knowing the same to be false, he shall have no right at law or in equity to the land the record of which he may have obtained by the making of such declaration. 1884, c. 16, s. 6.

SHAPE OF CLAIM. Sec. 9. Every piece of such unoccupied, unsurveyed, and unreserved land aforesaid, sought to be pre-empted under the provisions of this Act, shall, save as hereinafter is provided, be of rectangular or of square shape, and three hundred and twenty acres shall measure forty chains by eighty chains (equal to eight hundred and eighty yards by seventeen hundred and sixty yards), and one hundred and sixty acres shall either measure forty chains by forty chains (equal to eight hundred and eighty yards by eight hundred and eighty yards) or twenty chains by eighty chains (equal to four hundred and forty yards by seventeen hundred and sixty yards). Eighty acres shall measure twenty chains by forty chains, and forty acres shall measure twenty chains by twenty chains. All lines shall be run true north and south, and true east and west. 1892, c. 25, s. 2; 1893, c. 22, s. 3, part.

NATURAL BOUNDARIES. Sec. 10. Where such land is in whole or in part bounded by any lake or river, or by any pre-empted or surveyed land, such lake, river, pre-empted or surveyed land may be adopted as the boundary of such land; and it shall be sufficient for the applicant to show to the Chief Commissioner that the form of the land conforms, as nearly as circumstances permit, to the provisions of this Act; but all other boundary lines, except as mentioned in this section, shall be run true north and south, and true east and west. 1884, c. 16, s. 8.

RECTIFICATION OF SURVEY. Sec. 11. The Chief Commissioner of Lands and Works may, however, in carrying out any Government survey, or any survey authorized by this Act, or by him, if, in his opinion, circumstances require it, survey pre-emption claims or purchased lands recorded previous or subsequent to the date of this Act, and also unsurveyed, unoccupied and unreserved land as aforesaid, recorded under the provisions of this Act, by such metes and bounds as he may think proper; and every survey so made and certified by Gazette notice shall be binding upon all parties affected thereby; and the survey, so certified, shall be deemed in any court of this Province to have been done in compliance with the provisions of this Act; but nothing in this section contained shall apply to any land when a Crown grant thereof has or shall have been issued. 1884, c. 16, s. 9.

CERTIFICATE OF RECORD. Sec. 12. Upon the compliance by the applicant with the provisions hereinbefore contained, and upon payment by him of the sum of two dollars to the Commissioner, the Commissioner shall record such land in his favor as a pre-emption claim, and give him a certificate of such pre-emption record, in the Form No. 3 in the Schedule hereto; and such record shall be made by the Commissioner in triplicate, the original to be handed to the pre-emptor, a duplicate to be retained by the Commissioner for local reference, and the triplicate to be forwarded forthwith to the head office of the Lands and Works Department, to be there examined, and if found in all respects (or, if necessary, after having been amended by the Chief Commissioner of Lands and Works so as to be) in accordance with the provisions of this Act, to be finally entered in the Land Office Register, the pre-emptor to be notified of any alterations being made in the description of his claim, whose duty it shall be to alter his stakes so as to agree with the amended description. 1884, c. 16, s. 10.

ENTRY TO BE WITHIN THIRTY DAYS. Sec. 13. The pre-emptor shall, within thirty days after the date of the certificate of record, enter into occupation of the land so recorded; and if he shall cease to occupy such land, save as hereinafter is provided, the Commissioner may, in a summary way, upon being satisfied of such cessation of occupation, cancel the record of the settler so ceasing to occupy the same, and all improvements and buildings made and erected on such land shall be absolutely forfeited to the Crown, and such settler shall have no further right therein or thereto; and the certificate of record given to such pre-emptor shall be deemed to be null and void to all intents and purposes whatsoever; and the said land may be recorded anew by the Commissioner, in the name of, or upon application by, any person satisfying the requirements in that behalf of this Act. 1884, c. 16, s. 11.

MEANING OF OCCUPATION. Sec. 14. The occupation in this Act required shall mean a continuous bona fide personal residence of the pre-emptor, or of his family, on the land recorded by him. 1891, c. 15, s. 1.

HOW LONG PRE-EMPTOR MAY BE ABSENT FROM HIS CLAIM. Sec. 15. Every pre-emptor, as well as his family (if any), shall be entitled to be absent from the land recorded

by such settler for any one period not exceeding two months during any one year. He shall be deemed to have ceased to occupy such land when he shall have been absent, continuously, for a longer period than two months, except as hereinafter provided. 1884, c. 16, s. 13; 1891, c. 15, s. 2.

LEAVE OF ABSENCE. Sec. 16. If any pre-emptor shall show good cause to the satisfaction of the Commissioner, such Commissioner may grant to the said pre-emptor leave of absence for any period of time, not exceeding six months in any one year, inclusive of the two months' absence from his claim provided for in section 15. Such leave of absence shall be made out in triplicate, the original to be handed to the pre-emptor, a duplicate to be retained by the Commissioner for local reference, and a triplicate to be forwarded forthwith to the head office of the Lands and Works Department. In cases of illness, vouched for by sufficient evidence, or in the case of imm grant settlers returning to their former homes to bring their families to their homesteads, or in other special cases, the Chief Commissioner of Lands and Works may in his discretion grant an extension of time during which the pre-emptor may be absent from his claim, without prejudice to his right therein. 1884, c. 16, s. 14; 1890, c. 22, s. 3; 1891, c. 15, s. 3.

ONLY ONE CLAIM BY RECORD TO BE HELD AT ONE TIME. Sec. 17. No person shall be entitled to hold at the same time two claims by pre-emption; and any person so pre-empting more than one claim shall forfeit all right, title, and interest to the prior claim recorded by him, and to all improvements made and erected thereon, and deposits of money made to Government on account thereof; and the land included in such prior claim shall be open for pre-emption. 1884, c. 16, s. 15.

LAND SHALL BE SURVEYED AT THE EXPENSE OF PRE-EMPTOR. Sec. 18. Any pre-emptor of unsurveyed land shall have the land recorded by him surveyed at his own expense (subject, however, to a rectification of boundaries) within five years from the date of the pre-emption record by a surveyor approved of and acting under instructions from the Chief Commissioner of Lands and Works. The field-notes (original and duplicate) and a sketch of any such survey must be forwarded to the head office of the Lands and Works Depart-

ment within thirty days from the date of completion of such survey; and should such survey be accepted by the Department a notice thereof shall be published in the British Columbia Gazette for a period of sixty days, giving the official description of the land, also the name of the pre-emptor for whom the land was surveyed, during which period any other parties having claims to such land must file a statement of their claims thereto with the Commissioner, and unless two or more parties are claimants of the same land, the Commissioner, at the expiration of such sixty days, shall record such surveyed land in the name of the pre-emptor. 1895, c. 27, s. 2.

WHEN LAND INCLUDED IN OFFICIAL SURVEY AND ON PRE-EMPTOR FURNISHING A CERTAIN STATEMENT AND DECLARATION, SUCH LAND TO BE RECORDED IN THE NAME OF THE PRE-EMPTOR. Sec. 19. Where any Government survey shall be made, in which shall be included the land recorded by any pre-emptor, and a map of such survey shall have been deposited in the office of the Commissioner, and notice thereof shall have been published in the British Columbia Gazette, such pre-emptor shall, within two months thereafter, make and file with the Commissioner a declaration in the form No. 6 of Schedule hereto annexed, describing the land settled upon by such pre-emptor, based upon the survey made, giving the number of the township, section, quarter-section, or fraction thereof, if any, as the case may be; and unless two or more parties are claimants of the same land, the Commissioner shall, at the expiration of such two months, record such land in the name of such pre-emptor, without any further declaration by him: Provided, however, that if such declaration shall have been found to have been fraudulently made, or to contain wilfully false statements, the land so recorded, with all improvements thereon, shall be forfeited to the Crown, and such pre-emptor shall have no further right therein or thereto; and the Chief Commissioner of Lands and Works may cancel the record of such land in the books of the Land Office, and the certificate of such record shall thenceforth be deemed to be null and void to all intents and purposes whatsoever. 1884, c. 16, s. 17.

COMMISSIONER TO DECIDE CERTAIN DISPUTES. Sec. 20. When the land shall have been surveyed, and in the

event of two or more parties claiming the same land, the Chief Commissioner of Lands and Works, or the Assistant Commissioner of Lands and Works for the District when so directed by the Chief Commissioner of Lands and Works, shall have power to hear, settle, and determine the rights of the adverse claimants, and to make such order in the premises as he may deem just; and for all or any of the purposes aforesaid he shall have full power to summon and examine, under oath, the parties and witnesses, but such decision and order if made by an Asssistant Commissioner (if any) shall be subject to review by the Chief Commissioner of Lands and Works, and subject to appeal as provided by section 103 of this Act. 1895, c. 27, s. 3.

PRE-EMPTION FOR PARTNERSHIP PURPOSES. Sec. 21. Any number of persons, not exceeding four, uniting in partnership for the purpose of pre-empting, holding, and working land, shall be eligible to pre-empt as a firm, an area of land to the extent to each partner in the firm of one hundred and sixty acres. Each partner in any such firm shall represent his interest in the firm by occupation of some portion of the land so held by such firm; but it shall not be necessary in such case that each partner shall reside on his particular pre-emption. Partners in such firm may reside together on one homestead; provided such homestead be situated upon some portion of the land pre-empted and occupied by such firm. For the purpose of obtaining a certificate of improvement to land pre-empted under this section, it shall be sufficient to show to the Commissioner that improvements amounting in the aggregate to two dollars and fifty cents per acre of the whole land have been made on some portion thereof. 1884, c. 16, s. 19; 1892, c. 25, s. 3.

CERTIFICATE OF IMPROVEMENT. Sec. 22. A pre-emptor of surveyed land, who has been in occupation of his pre-emption claim for not less than two years from the date of its record, shall be entitled to receive from the Commissioner a certificate, to be called a "Certificate of Improvement," in the Form No. 4 in the Schedule hereto, upon his proving to the Commissioner, by the declarations in writing of himself and two other persons, or in such other manner as the Commissioner may require, that he has been in occupation of his pre-emption claim from the date of the record thereof, and has

made permanent improvements thereon to the value of two dollars and fifty cents per acre, and such declaration shall be in the Form No. 5 in the Schedule hereto. Such certificate shall be in triplicate, one part to be handed to the pre-emptor, another part retained by the Commissioner for local reference, and the third part transmitted forthwith to the head office of the Lands and Works Department; and it shall be the duty of the Commissioner to note the issue of such certificate on the duplicate pre-emption record thereof retained in the Commissioner's office. 1884, c. 16, s. 20; 1893, c. 22, s. 4, part.

MAKING AND FILING DECLARATIONS REQUIRED BY THIS ACT. Sec. 23. All declarations authorized to be made under the provisions of this Act shall be subscribed by the person making the same, and shall be filed with the Commissioner, who is hereby fully authorized and empowered to take the same; and shall be made before such Commissioner, or before any Notary Public or Justice of the Peace, under the subject to the provisions and penalties of the "Oaths Act." 1884, c. 18, s. 21.

PRICE. Sec. 24. Every person pre-empting surveyed or unsurveyed land shall pay one dollar per acre for the same to the Commissioner, at his office, in four equal annual instalments of twenty-five cents each per acre. The first instalment shall be due two years from the date of the record of the land pre-empted, and each subsequent instalment yearly thereafter until the full amount is paid. If default be made in payment of any of the instalments acording to the terms hereof, together with survey charges (if any), the record made of the said lands may be canceled by the Chief Commissioner of Lands and Works, and in case of such cancellation, then the land with the improvements (if any) thereon, together with any instalments paid thereon, shall be absolutely forfeited to the Crown. All instalments which are not paid on or before the date herein provided shall bear interest at the rate of six per cent. per annum, and over-due instalments, together with interest, may be accepted by the Commissioner in lieu of and at any time before the cancellation of the record. 1895, c. 27, s. 4.

ARREARS OUTSTANDING ON 21st FEBRUARY, 1895, HOW DEALT WITH. Sec. 24a. All arrears upon pre-emptions or purchases outstanding on the 21st day of February,

1895, may be either dealt with by the Commissioner under section 36 of this Act, or may be accepted by him in five equal annual instalments, together with interest on the unpaid balance at the rate of six per cent. per annum, the first instalment, together with interest, from the 21st day of February, 1895, to become due and be paid on or before the 31st of December, 1895. 1895, c. 27, s. 5.

CROWN GRANT TO BE ISSUED ON PAYMENT OF $1 PER ACRE. Sec. 25. After the grant of a certificate of improvement as aforesaid to the pre-emptor, and payment of one dollar per acre for the land has been made, a Crown grant or conveyance, in the form No. 7 in the Schedule hereto, of the fee simple of and in the land mentioned as recorded in such certificate, shall be executed in favor of the said pre-emptor, upon payment of the sum of five dollars therefor; but no such Crown grant shall be executed in favor of any alien who may have declared as aforesaid his intention of becoming a British subject, until such alien shall have become, according to law, a naturalized subject; and no Crown grant shall issue until the pre-emptor or his family shall have bona fide occupied the pre-emption for at least two years. 1884, c. 16, s. 23; 1891, c. 15, s. 12.

NO TRANSFER VALID UNTIL CROWN GRANT IS ISSUED. Sec. 26. No transfer of any surveyed or unsurveyed land pre-empted under this Act shall be valid, until after a Crown grant of the same shall have been issued. 1884, c. 16, s. 24.

HEIRS OR DEVISEES OF PRE-EMPTOR ENTITLED TO CROWN GRANT. Sec. 27. In the event of the death of any pre-emptor under this Act, his heirs or devisees (as the case may be) shall be entitled to a Crown grant of the land included in such pre-emption claim, if lawfully held and occupied by such pre-emptor at the time of his decease, but subject to the issuing of the certificate of improvement as aforesaid, and payment for the land; but if no person makes any application in respect of the said pre-empted land, for a period of one year from the death of the said pre-emptor, the Chief Commissioner of Lands and Works may cancel the said record, and all improvements made on the said land, and all moneys paid in respect thereof, shall be forfeited. 1884, c. 16, s. 25.

COMPLETION OF CERTAIN TITLES. Sec. 28. Any per-

son who has acquired or may acquire a right to any Crown lands shall be governed by and shall complete his title thereto under the provisions of the Act or Acts under which the land was taken up, in the same manner as if the said Acts were in force, and the provisions of any subsequent amending Act, whether imposing further conditions, or relieving from conditions then existing, or relating to procedure, shall not, except as is specially provided in any such amending Act, apply to the lands to which a right may have been so acquired. 1895, c. 27, s. 6.

Sec. 29. (Repealed by c. 25, s. 4, 1892.)

SALE OF CROWN LANDS.

PURCHASE OF CROWN LANDS. Sec. 29a. Every person desiring to purchase unsurveyed, unoccupied, and unreserved Crown lands shall give two months' notice of his intended application to purchase, by a notice inserted, at the expense of the applicant, in the British Columbia Gazette, and in any newspaper circulating in the district wherein such land lies; such notice shall not include a greater area of land than six hundred and forty acres, and shall state the name of the applicant, the locality, boundaries, and extent of the land applied for; such notice shall be dated, and shall be posted in a conspicuous place on the land sought to be acquired, and on the Government Office, if any, in the district. He shall also place at one angle or corner of the land to be applied for a stake or post to be known as the initial post, at least four inches square, and standing not less than four feet above the surface of the ground; and upon such initial post he shall inscribe his name, and the angle represented thereby, thus: "A. B.'s N. E. corner" (meaning Northeast corner) or as the case may be. Except such initial post is so planted before the above notice is given all the proceedings taken by the applicant shall be void. He shall also deposit twenty-five per cent. of the purchase money with the Commissioner, together with his application to purchase, within ninety days from the date of the staking of the land applied for, and he shall have the land required surveyed, at his own cost, by a duly authorized Provincial Land Surveyor; and such lands shall be surveyed on

the rectangular or square system now adopted by the Government, and all lines shall be run due north and south and due east and west, except where from the nature of surveys made it would be impossible to conform to the above system; and wherever possible the said survey shall be connected with some known point in previous surveys, or with some other known point or boundary.

(1.) It shall be the duty of the surveyor to classify the lands so surveyed as timber lands, first-class, second-class, or third-class lands, adopting for the purposes of such classification the distinctions contained in the next ensuing sub-section, and he shall make full and accurate field-notes of his survey, and upon completion of the survey shall file such notes and a report of his survey in the office of the Chief Commissioner of Lands and Works, acompanied by a statutory declaration verifying such notes, and showing the area of first-class, second-class, or third-class lands which are embraced by such survey; and such declaration shall also state whether in his opinion any of such land, and if so what, is likely to be required for the purposes of a town site or fishing-station, and whether the granting of such land or any of it would prevent or hamper the development of any adjoining natural resources.

(2.) Lands which are suitable for agricultural purposes, or which are capable of being brought under cultivation profitably, or which are wild hay meadow lands, shall rank as and be considered to be first-class lands. Lands which are suitable for agricultural purposes only when artificially irrigated, and which do not contain timber valuable for lumbering purposes, as defined below, shall rank as and be considered to be second-class lands. Mountainous and rocky tracts of land which are wholly unfit for agricultural purposes, and which cannot, under any reasonable conditions, be brought under cultivation, and which do not contain timber suitable for lumbering purposes, as defined below, or hay meadows, shall rank as and be considered to be third-class or pastoral lands.

TIMBER LANDS.—(*a.*) Timber lands (*i. e.*, lands which contain milling timber to the average extent of eight thousand feet per acre west of the Cascades, and five thousand feet per acre east of the Cascades, to each one hundred and sixty acres) shall not be open for sale.

PRICE.—(3.) The Chief Commissioner of Lands and Works after examination of the report of the survey, the field notes thereof, with the statutory declaration of the Surveyor, and all other documents and information in relation to the application, and of the character of the land applied for, which shall be procurable, if satisfied with the information, and that it is not contrary to the public interest that the sale should be made (but not otherwise), shall name the price, based upon the classification provided by the preceding subsection, at which the land applied for, or any portion thereof, may be sold to the applicant, and thereupon, but not sooner, the sale may be allowed to proceed. The price of first-class lands shall be five dollars per acre; that of second-class lands, two dollars and fifty cents per acre; and that of third-class lands, one dollar per acre. The purchase money shall be paid in full at the time of the purchase, twenty-five per cent. being paid as before provided, and the remaining seventy-five per cent. when the survey shall have been accepted and the sale allowed to proceed by the Chief Commissioner of Lands and Works; but no right or title can be acquired to any such land until after such land shall have been surveyed, and such survey shall have been accepted by the Chief Commissioner of Lands and Works, and the payment in full made for such land.

ADDITIONAL SURVEYS.—(4.) If the Chief Commissioner shall not be satisfied with the survey, or for any cause shall desire further information concerning the land applied for, he may cause such additional surveys to be made and information to be procured as he may see fit.

LESS THAN 160 ACRES NOT TO BE SOLD.—(*a.*) Provided always, that it shall not be lawful to survey or sell any lands under authority of this section in such manner as to dispose of a less quantity of land than one hundred and sixty acres, measuring forty chains by forty chains (except where such area cannot be obtained), nor more than six hundred and forty acres, measuring eighty chains by eighty chains, nor shall the application nor deposit of twenty-five per cent. on the purchase money above mentioned of itself confer any right or title to the land applied for upon the applicant.

COMPLETION OF PURCHASE WITHIN SIX

MONTHS.—(*b.*) Provided that, unless good and sufficient cause to the satisfaction of the Chief Commissioner of Lands and Works be shown to the contrary, the survey must be completed and payment in full must be made for all land sought to be acquired under the provisions of this section within six months from the date of application to purchase; in default of which all claim of the applicant to the land applied for shall cease and determine, and the money deposited at the date of application shall be absolutely forfeited to the Crown, and the land shall thenceforth be open to pre-emption and purchase by any other person.

ONE APPLICATION TO BE COMPLETED OR ABANDONED BEFORE ANOTHER IS MADE OR CERTIFICATE OF IMPROVEMENTS OBTAINED.—(*c.*) Provided also, that no person who has given notice of his intention to make application to purchase lands under the provisions of this section shall be entitled to give notice of his intention to make application to purchase any other lands under the provisions of this section until after he shall have either abandoned his application to purchase or acquired a Crown grant of the lands for which he had previously given notice of his intention to make application to purchase, and shall have obtained a certificate from the Commissioner that he has improved the said land to the extent of five dollars per acre if first class land, two dollars and fifty cents per acre if second class land, and one dollar per acre if third-class land; land which is bona fide cultivated shall be deemed to be improved land, and in other respects section 22 of this Act shall apply: Provided, always, that no person shall purchase more than one tract of land, of whatever extent, under this section until the above-mentioned improvements have been completed in accordance with this Act.

PRIORITY IN CASE OF TWO APPLICANTS.—(*d.*) Provided further, that when there are two or more applicants for the same tract of land, and a prior right of either or any of the applicants is not established to the satisfaction of the Chief Commissioner of Lands and Works, the same may be tendered for by the applicants and sold to the highest bidder. 1896, c. 28, s. 12.

SURVEYED LAND.—Sec. 29b. So much of the unappro-

priated and unoccupied lands of the Province, the surveys of which have been duly made and confirmed in the British Columbia Gazette, which are not the sites of towns or the suburbs thereof, nor Indian settlements, and as are not reserved from sale by the Lieutenant-Governor in Council, may be classified in the same manner as unsurvey lands, and purchased (subject to the provisions of sub-section (c) of sub-section (4) of section 29a hereof) at the same price. 1896, c. 28, s. 14.

SURVEYED LANDS MAY BE SOLD AT PUBLIC AUCTION.—Sec. 30. Such of the lands of the Province, the surveys whereof have been duly made or adopted by the Government, and confirmed by notice in the British Columbia Gazette, may, whenever so ordered by the Lieutenant-Governor in Council, from time to time be put up at public auction (of which auction due and sufficient notice shall be given), upon such terms and conditions as may be considered advisable. 1892, c. 25, s. 5.

TOWN AND CITY LANDS MAY BE SOLD.—Sec. 31. Notwithstanding anything in the last preceding section contained, town, city or suburban lots may be sold by public auction, of which reasonable and sufficient public notice shall be given. 1888, c. 16, s. 7.

Sec. 32. (Repealed by c. 15, s. 6, 1891.)

SALES AND FREE GRANTS FOR DYKING AND DRAINING PURPOSES.—Sec. 33. It shall be lawful for the Lieutenant-Governor in Council to sell any vacant lands of the Crown, or make free grants thereof, to any person or company for the purpose of dyking, draining or irrigating the same, subject to such regulations as the Lieutenant-Governor in Council shall see fit. 1884, c. 16, s. 53.

LAND SOLD TO BE SUBJECT TO RIGHT OF WAY, &c.—Sec. 34. Unless otherwise specially notified at the time of sale, all Crown lands sold shall be subject to such public rights of way as may at any time after such sale be specified by the Chief Commissioner of Lands and Works, and to the right of the Crown to take therefrom, without compensation, any stone, gravel, or other material to be used in repairing the public roads, and to such private rights of way, and of leading or using water for animals, and for mining, engineering or

irrigation purposes, as may at the time of such sale be existing. 1884, c. 16, s. 54; 1892, c. 25, s. 10.

CROWN GRANTS TO CONTAIN PROVISION AS TO TOWN LOTS.—Sec. 34a. All Crown grants hereafter issued of lands, the right to which was acquired subsequent to the 17th day of April, 1896, shall contain a provision that in the event of any lands thereby granted being divided into town lots, one-fourth of all the blocks of lots shall be re-conveyed to the Crown. The blocks to be so re-conveyed to the Crown shall be ascertained as follows:—The Chief Commissioner of Lands and Works shall first select one block and the owner three, and so on in turn, the Chief Commissioner selecting one and the owner three of the unchosen blocks until the division is made. 1897, c. 19, s. 3.

COMPLETION OF SALES.

CROWN GRANT.—Sec. 35. The Crown grant of any land sold under the provisions of this Act shall not be issued until full payment therefor shall have been made, and such Crown grant shall be in the Form No. 7 in the Schedule hereto. 1884, c. 16, s. 32.

BALANCE OF UNPAID PURCHASE MONEY TO BE PAID ON NOTICE FROM COMMISSIONER.—Sec. 36. The Chief Commissioner of Lands and Works may insert notices in the British Columbia Gazette, requiring all persons from whom the balance of purchase money is due on any lands pre-empted or purchased by them under any Act or Ordinance heretofore passed, to pay to the Chief Commissioner of Lands and Works, within twelve months from the first publication of such notice (and such notice shall be published continuously for such twelve months) the balance remaining unpaid of the purchase money due on such lands; and if, within such twelve months, any person holding land on which the balance of the purchase money is due to the Government and unpaid, shall not pay such balance, the Chief Commissioner of Lands and Works may cancel all or any records or agreements concerning such land; and, in such case, the right of such person therein or thereto and all money paid by him thereon, shall be absolutely forfeited, and he shall have no further right at law or in equity to the land so partially paid for. 1884, c. 16, s. 33.

FREE GRANTS.

LIEUT.-GOVERNOR MAY MAKE FREE GRANTS.—Sec. 37. It shall be lawful for the Lieutenant-Governor in Council to make such special free or partially free grants of the unoccupied and unappropriated Crown lands of the Province for the encouragement of immigration or other purposes of public advantage, not being bonuses for the construction of railways, with and under such provisions, restrictions, and privileges, as to the Lieutenant-Governor in Council may seem most advisable. 1884, c. 16, s. 58; 1887, c. 17, s. 11; 1891, c. 15, s. 7.

EDUCATIONAL ENDOWMENTS.

RESERVES FOR EDUCATIONAL PURPOSES MAY BE SOLD AT PUBLIC AUCTION.—Sec. 38. (Repealed by c. 15, s. 8, 1891.) Lands heretofore reserved under said section may be sold by public aution, of which reasonable and sufficient public notice shall be given, but not so as to dispose of any land at less than its classified price. 1891, c. 15, s. 8.

Sections 39 to 52, inclusive, repealed by 1897, c. 45, s. 154.

LEASES.—Sec. 53. Leases (containing such covenants and conditions as may be advisable) of unoccupied Crown lands, not exceeding one hundred and sixty (160) acres in extent, may be granted by the Chief Commissioner of Lands and Works.

EAST OF CASCADE RANGE.—(*a.*) In that part of the Province situated east of the Cascade Range, for a term not to exceed five years, for the purpose of cutting hay thereon, to any person or persons whomsoever, being bona fide pre-emptors or purchasers of land appurtenant to the meadows desired to be so leased, at an annual rental of ten cents per acre.

STONE QUARRIES.—FISHING SITES. (*b.*) For a term not to exceed twenty-one years, for the purpose of opening up and working stone quarries or as sites for fishing station, on such terms and conditions, not inconsistent with the provisions of this Act, as may be approved by the Lieutenant-Governor in Council.

PROCEEDING TO MARK GROUND FOR APPLICATION.—(1.) Any person desirous of procuring a lease for any

of the purposes referred to above shall, before entering into possession of the particular part of said lands he or they may wish to acquire, place at one angle or corner of the land to be applied for a stake or post, at least four inches square, and standing not less than four feet above the surface of the ground; and upon such initial post he shall inscribe his name, and the angle represented thereby, thus: "A. B.'s N. E. corner" (meaning northeast corner), as the case may be, and shall cause a written or printed notice of his intention to apply for such lease to be posted on some conspicuous part of the land applied for by him, and on the Government Office of the district, for thirty clear days. He shall also publish a notice of his intention to apply for such lease for thirty days in the British Columbia Gazette, and in some newspaper circulating in the district.

APPLICATION TO CHIEF COM. OF L. & W.—(2.) After the expiration of the thirty days' notice, and within two months from the date of its first publication in the British Columbia Gazette, he shall make application in writing to the Assistant Commissioner of Lands and Works for the district within which the land required is situate, for a lease over such land. Such application shall be in duplicate, and shall be illustrated by plans and diagrams showing approximately the position thereof, and shall give the best practicable written description of the plot of land over which the privilege is sought. The Assistant Commissioner shall then forward one copy of the application and plan, and his report, to the Chief Commissioner of Lands and Works, who may, if no valid objection has been substantiated, give notice to such applicant that a lease will issue as desired, provided he (the applicant) has had the land surveyed in a legal manner within six months from the date of such notification.

LEASES FOR GENERAL PURPOSES.—(3.) The Lieutenant-Governor in Council may grant lease of Crown lands which have been subdivided by survey into lots not exceeding twenty acres in extent to any of Her Majesty's subjects for the purpose of bona fide personal occupation and cultivation, upon such terms and conditions as may be deemed advisable. No person shall be entitled to hold more than one lot under such lease. Leases granted under authority of this clause

shall contain conditions binding the lessee to build a dwelling-house during the first year of tenancy, and to settle upon, cultivate, and occupy the land within the meaning of the "Land Act," and such other conditions as may be approved by the Lieutenant-Governor in Council. Such lease shall also contain a covenant providing that the lessee shall, at the expiration of the term of the lease, be entitled to a Crown grant of land so leased to him, provided that all the conditions and stipulations of the lease have been faithfully fulfilled. 1894, c. 24, s. 2; 1897, c. 19, s. 2.

LEASES OF LANDS WITHIN MUNICIPALITIES.—(4.) The Lieutenant-Governor in Council may grant leases of vacant Crown lands which are situated within the limits of any corporate city, upon such conditions as may be deemed advisable, for a term not to exceed ten years. 1894, c. 24, s. 2.

TIMBER LEASES.—Sec. 54. Leases of surveyed unpre-empted Crown timber lands which have been previously offered to public competition may be granted by the Lieutenant-Governor in Council, for a period not to exceed twenty-one years to any person, persons, or corporation, for the purpose of cutting spars, timber, or lumber, who have tendered the highest cash bonus, subject to the payment of a royalty of fifty cents per thousand feet on the scaled measurement of the logs cut on the leased premises, and to the payment in advance of an annual rental of fifteen cents per acre; arrears of rental to bear interest at the rate of five per cent. per annum: Provided, that when the lessee is or becomes the owner of a properly equipped saw-mill appurtenant to the leasehold and capable of cutting not less than one thousand feet of lumber in inch boards per day of twelve hours for each and every four hundred acres of land included in such lease, the annual rental shall be reduced to ten cents per acre. 1895, c. 27, s. 7.

Sec. 55. (Repealed by 1892, c. 25, s. 7.)

Sec. 56 & 57. (Repealed by 1892, c. 25, s. 8.)

LEASES FOR PURPOSES OF STRIPPING HEMLOCK TREES OF BARK.—Sec. 57a. It shall be lawful for the Lieutenant-Governor in Council to grant leases of unpre-empted Crown lands for a term not to exceed thirty years, for the purpose of stripping hemlock trees of bark, subject to such

rent and conditions as the Lieutenant-Governor in Council may see fit to impose. 1891, c. 15, s. 13.

WRITTEN OBJECTIONS MAY BE MADE.—Sec. 58. Any person desirous of objecting to such lease shall give his written reasons therefor, within the time specified in the above notice, addressed to the said Commissioner; and the said Commissioner shall, as soon as possible, forward the same, with his report thereon, to the Chief Commissioner of Lands and Works. 1884, c. 16, s. 39.

CHIEF COMMISSIONER TO HEAR AND SETTLE ALL OBJECTIONS.—Sec. 59. In the event of any objections being entered as provided for above, the Chief Commissioner of Lands and Works shall have power to hear, settle, and determine the rights of the adverse claimants, and to make such order in the premises as he may deem just. 1884, c. 16, s. 40.

IF NO OBJECTIONS THE LEASE MAY BE ISSUED.—Sec. 60. If no objection is made as aforesaid to the issue of such lease before the said notice expires, the lease applied for may be issued, if advisable. 1884, c. 16. s. 41.

PRE-EMPTOR OF LEASED LANDS TO HAVE RIGHTS OF WAY.—Sec. 61. Persons who have pre-empted lands, or shall hereafter record or pre-empt any lands heretofore leased, or which may hereafter be leased for any of the purposes aforesaid, shall have the right of passing and repassing over such leased lands without being deemed trespassers: Provided, always, that such persons shall not commit wilful waste or damage in passing over such lands. 1884, c. 16, s. 42.

TIMBER LANDS.

MEANING OF "CROWN LANDS." "PATENTED LANDS." "TIMBER LEASEHOLD." "TIMBER LIMITS." Sec. 62. In the following sections the words—

"Crown lands" mean lands which are the public lands of the Province, and shall not include lands held under lease.

"Patented lands" mean lands granted by the Crown after the 7th day of April, A. D. 1887, and before the passage of this Act.

"Timber leasehold" means lands included in timber leases since the 31st day of December, 1879, and lands included in any timber lease hereinafter granted.

"Timber limits" means lands specified in any timber license hereafter issued. 1888, c. 16, s. 10.

LICENSE REQUIRED TO CUT TIMBER ON CROWN LANDS.—Sec. 63. It shall be unlawful for any person, without a license in that behalf, to be granted as hereinafter mentioned, to cut, fell, or carry away any trees or timber upon or from any of the Crown or patented lands of this Province. 1888, c. 16, s. 11.

PENALTY FOR CUTTING TIMBER WITHOUT LICENSE.—Sec. 64. Every person who shall violate the provisions of the preceding section shall, for each offense, be liable to a penalty of not less than five dollars nor more than five hundred dollars, to be recovered in a summary manner, upon the complaint of any person, before any Stipendiary Magistrate or two Justices of the Peace, and in default of payment by imprisonment not exceeding thirty days. 1888, c. 16, s. 12.

CHIEF COMMISSIONER OF LANDS AND WORKS MAY GRANT SPECIAL LICENSES TO CUT TIMBER.—Sec. 65. The Chief Commissioner of Lands and Works may grant licenses, to be called special licenses, to cut timber on Crown lands and patented lands at the rates by this Act imposed, and subject to such conditions, regulations and restrictions as may from time to time be established by the Lieutenant-Governor in Council, and of which notice may be given in the British Columbia Gazette. 1888, c. 16, s. 13.

MODE OF OBTAINING LICENSES.—Sec. 66. Any person desirous of obtaining such special license shall comply with the following provisions:—

STAKING OF CLAIM.—(*a.*) He shall first stake out the land sought to be included in such special license in the manner prescribed by the law relating to the leasing of Crown lands: 1894, c. 24, s. 3.

(*b.*) He shall, after making the application for the special license, publish for a period of thirty days in the British Columbia Gazette, and in any newspaper circulating in the district in which the lands lie, notice of his application for such license, and shall in such notice give the best description of

the land applied for, specifying metes and bounds and such further particulars, if any, as may be required by the Chief Commissioner. 1888, c. 16, s. 14.

ADVERSE CLAIMS FOR LICENSE.—Sec. 67. In the event of any adverse claim being filed with the Chief Commissioner he may hear and decide upon the same. 1888, c. 16, s. 15.

NO LICENSE TO BE GRANTED FOR MORE THAN 1,000 ACRES.—Sec. 68. No special timber license shall be granted for a larger area than one thousand acres of land, nor shall the license be granted for a longer period than one year. The license shall not be transferable, and may be surrendered at any time. No person shall be entitled to more than one special license at the same time. The licensee shall pay to the Chief Commissioner, for the use of Her Majesty, the sum of fifty dollars for said license; payment to be made upon the granting of the license. In default of payment the license shall not issue. Such license may be renewed at the discretion of the Chief Commissioner of Lands and Works. 1888, c. 16, s. 16.

RIGHTS AND POWERS OF LICENSEE UNDER A SPECIAL LICENSE.—Sec. 69. The special license shall vest in the holder thereof all rights of property whatsoever in all trees, timber, and lumber cut within the limits of the license during the term thereof, whether the trees, timber and lumber are cut by authority of the licensee, or by any other person with or without his consent, and such license shall entitle the holder thereof to seize, in re-vindication or otherwise, such trees, timber, or lumber, where the same are found in the possession of any unauthorized person, and also to institute any action against any wrongful possessor or trespasser, and to prosecute all trespassers and other offenders to punishment, and to recover damages, if any; and all proceedings pending at the expiration of any license may be continued to final termination, as if the license had not expired. 1888, c. 16, s. 17.

HAND-LOGGERS' LICENSE.—Fee, $10. Sec. 70. In addition to the special license authorized by section 68 of this Act, the Chief Commissioner may, upon payment of the sum of ten dollars therefor, grant a general license to any person to cut timber upon Crown lands, not being timber limits, without any reservation as to area; but such license shall be per-

sonal, and shall only grant authority to the person named therein to cut timber as a hand-logger, and such license shall be in force for one year from the date thereof, and no longer. 1888, c. 16, s. 18.

LICENSES NOT TO BE GRANTED OVER INDIAN RESERVES, &c.—Sec. 71. No timber license shall be granted in respect of lands forming the site of an Indian settlement or reserve, and the Chief Commissioner may refuse to grant a license in respect of any particular land, if in the opinion of the Lieutenant-Governor in Council it is deemed expedient in the public interest so to do. 1888, c. 16, s. 19.

GROUND RENT, FIVE CENTS PER ACRE.—Sec. 72. In addition to the royalty hereinafter reserved on all timber cut on timber leaseholds, there shall be paid annually, as ground rent, the sum of five cents per acre for each acre included in any timber lease which has been granted since the 31st day of December, 1879, and prior to the passage of this Act . 1888, c. 16, s. 20.

ROYALTY ON TIMBER.—Sec. 73. There is reserved to and for the use of Her Majesty, her heirs and successors, a royalty of fifty cents for every thousand feet, board measure, upon and in respect of all timber suitable for spars, piles, saw logs, or railroad ties, props for mining purposes, shingle or other bolts of cedar, fir or spruce, and a royalty of twenty-five cents for every cord of other wood, cut upon Crown lands, patented lands, timber leaseholds, or timber limits, and upon any lands hereinafter granted. Piles shall be measured by the running foot, and railway ties and props shall be measured by the cord; and for the purposes of this Act two hundred running feet of piles, or one cord of ties and props, shall be taken respectively as equal to one thousand feet board measure. 1896, c. 28, s. 2.

LIEN ON TIMBER, SPARS, ETC.—Sec. 74. All timber or wood upon which a royalty is reserved, or which has been cut upon timber leaseholds, shall be liable for the payment of the royalty (and in the case of leaseholds for the rent) by this Act imposed, so long as and wheresoever the timber, or any part of it, may be found in British Columbia, whether in the original logs or manufactured into deals, boards, or other stuffs; and in case any such timber or wood has been made

up with other timber or wood into a crib, dam, or raft, or in any other manner has been so mixed up as to render it impossible or difficult to distinguish the timber liable to the payment of royalty or rent from timber not so liable, such other timber shall also be liable for all royalty and rent imposed by this Act; and all officers or agents entrusted with the collection of the royalty or rent may follow all such timber, or any timber with which it is so mixed, and seize and detain the same wherever it is found until such royalties and rent, and the reasonable costs and expenses of seizure and detention, are paid or secured. 1896, c. 28, s. 3.

LESSEES AND MILL-OWNERS TO KEEP ACCOUNT OF ALL LOGS BROUGHT TO THE MILL.—Sec. 75. Every lessee of timber land, and every person owning or operating a mill which may cut timber which is subject to the royalty imposed by this Act, shall keep correct books of account of all logs brought to his mill, stating from whom they were acquired where they were cut, the date received and their scale measurement, and shall make monthly returns to the Chief Commissioner of Lands and Works showing the measurement of such logs, and such other particulars as the Lieutenant-Governor, by Order in Council, may require; and such books shall be open, at all reasonable hours, for the inspection of any person appointed for carrying out the provisions of this Act. 1888, c. 16, s. 23.

MILL-OWNERS MAY COLLECT ROYALTIES DUE.—Sec. 76. It shall be lawful for any person owning or operating any mill (when authorized by the Chief Commissioner so to do) to collect the royalties due to the Crown upon any logs which may be brought to his mill, and to give receipts therefor. All moneys so received shall be accounted for and paid over to the Crown. The Crown shall have a lien upon the mill and all timber thereat, or on any lands or waters appurtenant thereto, for all royalties collected under this section; such lien to confer the same rights and to be enforceable in the same manner as the lien held under section 74 of the "Land Act," may from time to time be. 1888, c. 16, s. 24; 1896, c. 28, s. 4.

EXTENDS CROWN LIEN ON TIMBER ROYALTY.—Sec. 76a. The Crown shall have a lien upon all steamships,

railway and stationary engines, smelters, concentrators, and all furnaces or machinery in or for which any timber or wood upon which a royalty is reserved and payable in any way or manner, or for any purpose has been or is being used or consumed, also upon all steamships, tow-boats, scows or other vessels, and upon all railway trains, teams and wagons in any way engaged in transporting such timber; such lien to confer the same rights, and to be enforceable in the same manner as the lien and rights of recovery of royalties conferred by under the provisions in that behalf of the "Land Act," and amending Acts. 1897, c. 19, s. 4.

FREE MINERS, TRAVELERS, FARMERS, AND OTHERS CUTTING TIMBER NOT AFFECTED.—Sec. 77. This act shall not be construed so as to inflict penalties upon free miners engaged in prospecting, nor upon travelers, nor upon persons engaged in merely scientific pursuits or exploring, nor upon farmers cutting timber in connection with their farms, nor upon persons cutting cord wood for personal use for fuel for domestic purposes and not for sale, or cutting cord wood for school purposes. 1896, c. 28, s. 5.

TITLE CANNOT BE ACQUIRED TO TIMBER CUT ON CROWN &c., LANDS WITHOUT LICENSE. Sec. 78. If any person, without authority or otherwise than is permitted by this Act, cuts or employs, or induces any other person to cut, or assist in cutting, any timber of any kind on any of the Crown lands, patented lands, timber leaseholds, or timber limits, or removes or carries away any merchantable timber of any kind so cut, from any such Crown or patented lands, or timber leaseholds, or limits, he shall not acquire any right to the timber so cut, or any claim to any remuneration for cutting, preparing the same for market, or conveying the same to or towards market. Any such timber may be seized by the Chief Commissioner, or any Government Agent, or by any agent or person appointed under this Act, and shall be sold for the benefit of the Crown.

(*a.*) When the timber or saw logs made has or have been removed by any such person out of the reach of the Chief Commissioner or Assistant Commissioner, or any agent appointed for the purpose of carrying out the provisions of this Act, such first mentioned person shall, in addition to the loss of his

labor and disbursements, forfeit a sum of ten dollars for each tree (rafting stuff excepted) which he is proved to have cut, or caused to be cut or carried away.

(*b.*) Such sum shall be recovered with costs in the name of the Chief Commissioner, or any Government Agent, in any Court having jurisdiction in civil matters to the amount of the penalty.

(*c.*) In such cases it shall be incumbent upon the party charged to prove his authority to cut, and the averment only of the party seizing or prosecuting that he is employed under the authority of this Act shall be sufficient proof thereof, unless the defendant proves the contrary. 1888, c. 16, s. 26.

WHEN TIMBER SO CUT IS MIXED UP WTH OTHER TIMBER, THE WHOLE TO BE FORFEITED UNLESS SEPARATED BY THE HOLDER THEREOF.—Sec. 79. Where timber has been cut without authority on Crown lands, patented lands, timber leaseholds, or timber limits, and has been made up with other timber into a crib, dam, or raft, or in any other manner has been so mixed up as to render it impossible or difficult to distinguish the timber so unlawfully cut on Crown lands, patented lands, timber leaseholds or timber limits, from other timber with which it is mixed up, the whole of the timber so mixed up shall be held to have been cut without authority, and shall be liable to seizure and forfeiture until separated by the holder satisfactorily to the officer making the seizure. 1888, c. 16, s. 27.

OFFICER SEIZING MAY CALL ASSISTANCE.—Sec. 80. The officer making any seizure under this Act may call in any assistance necessary for securing and protecting the timber seized. 1896, c. 28, s. 6.

WHEN TIMBER SEIZED DEEMED CONDEMNED.—Sec. 81. All timber seized under this Act shall be deemed to be condemned unless the amounts due for rent and royalty, and the costs and expenses of seizure and detention, be paid within one month from the day of seizure, or unless the person from whom it was seized, or the owner thereof, within one month from the day of seizure, give notice to the seizing officer or nearest Government Agent that he disputes the seizure; failing such payment or notice the Chief Commissioner may order the sale of said timber, or of so much thereof as may

be sufficient to pay all rents or royalties due, and all the costs and expenses of seizure, detention, and sale. 1896, c. 28, s. 7.

SEIZURES MAY BE TRIED BEFORE A SUPREME OR COUNTY COURT JUDGE.—Sec. 82. Any Supreme or County Court Judge may, upon petition in a summary way, try and determine such seizures, and may order the delivery of the timber to the alleged owner, upon his giving security, by bond, with two good and sufficient sureties, to pay double the value or double the amount due for royalty, rent, and costs and expenses, in case of condemnation.

(*a.*) Such bond shall be taken in the name of the Chief Commissioner to Her Majesty's use, and shall be delivered up to and kept by the Chief Commissioner.

(*b.*) If such seized timber is condemned, the value thereof or the amount due for royalty rent, and costs or expenses, shall be forthwith paid to the Chief Commissioner, and the bond canceled, otherwise the penalty shall be enforced and recovered. 1888, c. 16, s. 30; 1896, c. 28, s. 8.

PENALTY FOR MAKING FALSE STATEMENTS TO EVADE PAYMENT OF ROYALTIES, &c.—Sec. 83. Every person availing himself of any false statement or oath to evade the payment of any moneys payable under this Act in respect to timber, or endeavoring to convey out of British Columbia any timber in respect of which the royalties by this Act imposed are payable, without first paying such royalties, shall forfeit the timber in respect of which payment of such moneys is attempted to be evaded, and shall incur a penalty not exceeding five hundred dollars. 1888, c. 16, s. 31.

DRAWBACK ON EXPORTED TIMBER, &c.—Sec. 84. The Lieutenant-Governor in Council may allow, on the exportation beyond the limits of the Province of any piles and spars, or of any timber manufactured at any mill in British Columbia upon which the royalty by this Act imposed has been paid, a drawback or rebate equal to one-half of the royalty paid upon such timber. 1888, c. 16, s. 33.

RULES AND REGULATIONS MAY BE MADE.—Sec. 85. The Chief Commissioner of Lands and Works may, with the approval of the Lieutenant-Governor in Council, appoint such persons and make all such rules and regulations as he may deem proper for carrying out the provisions of this Act. 1888, c. 16, s. 32.

RESERVES.

RESERVES.—Sec. 86. The Lieutenant-Governor in Council may at any time, by notice signed by the Chief Commissioner of Lands and Works and published in the British Columbia Gazette, reserve any lands not lawfully held by pre-emption, purchase, lease, or Crown grant, for the purpose of conveying the same to the Dominion Government, in trust, for the use and benefit of the Indians, or for railway purposes, as mentioned in Article 11 of the Terms of Union, or for such other purposes as may be deemed advisable. 1884, c. 16, s. 56.

CANCELLATION OF RESERVES.—Sec. 87. The Lieutenant-Governor in Council shall have power to cancel reservations of land made for temporary purposes, but the Order in Council providing for the cancellation shall not take effect until notice thereof shall have been published for three months in the British Columbia Gazette, and in some newspaper circulating in the district in which the lands proposed to be affected are situate. 1888, c. 16, s. 6.

RESERVES FOR PUBLIC PURPOSES.—Sec. 88. The Lieutenant-Governor in Council may, from time to time, by notice in the British Columbia Gazette, reserve and set apart for the recreation and enjoyment of the public, for municipal purposes, or agricultural societies, or for cemetery purposes, or for the site of a church or place for divine worship, so much of the Crown lands as may be deemed necessary. 1888, c. 16, s. 3.

LEASES OF SCHOOL RESERVES MAY BE GRANTED.—Sec. 89. The Lieutenant-Governor in Council may, from time to time, lease, for such terms, not, however, exceeding twenty-one years, and upon such conditions as may be deemed proper, so much of the land set apart as School Reserves as may be deemed advisable; but no such lease shall be granted for a reserve upon which a school-house is situated without the consent of the trustees of the school district. 1888, c. 16, s. 14.

LANDS USED FOR MILITARY AND NAVAL PURPOSES MAY BE RELEASED FROM ALL RESERVATIONS.—Sec. 90. Provided, always, that in land required for

military and naval purposes it shall be lawful for the Lieutenant-Governor in Council to release the same from all reservations and exceptions whatsoever, and notice of such release shall be published in the British Columbia Gazette for one month. 1884, c. 16, s. 34.

FREE MINERS IN CASE OF NAVAL OR MILITARY RESERVES.—Sec. 90a. There is hereby reserved from the lands whereon a free miner may enter and prospect all lands reserved or used for naval or military purposes, whether in the grant or reservation thereof for such purposes the precious or base metals, or any of them, were reserved to the Crown and its licensees, or were not so reserved. 1896, c. 28, s. 10.

HIGHWAYS.

PUBLIC ROADS ARE PUBLIC HIGHWAYS.—Sec. 91. All roads, other than private roads, shall be deemed common and public highways. 1884, c. 16, s. 60.

ROADS, &c., VESTED IN HER MAJESTY.—Sec. 92. Unless otherwise provided for, the soil and freehold of every public highway shall be vested in Her Majesty, Her heirs and successors. 1884, c. 16, s. 61.

POWER OF CHIEF COMMISSIONER IN RESPECT OF HIGHWAYS.—Sec. 93. It shall be lawful for the Chief Commissioner of Lands and Works, in his discretion, to make public highways, and to declare the same by notice in the British Columbia Gazette, setting forth the direction and extent of such highway, and by himself or his agents to enter and take possession of any private roads and any lands in the Province, and the timber thereon, for the purpose of laying out public roads of any width not exceeding sixty-six feet, and to vary and alter any existing roads; also to enter and take any gravel, timber, stone, and other materials required for the construction of any bridge or road and also to enter upon any land for the purpose of cutting any drains that the Chief Commissioner of Lands and Works may think necessary. 1884, c. 16, s. 62.

ESTABLISHMENT OF PUBLIC HIGHWAYS.—Sec. 94. Every person desirous of having a public highway established

shall give thirty days' notice of his intention to apply to the Chief Commissioner of Lands and Works to establish such public highway, by an advertisement published, at his own expense, in the British Columbia Gazette, and a newspaper published or circulated in the district wherein such applicant desires to have such highway established; but nothing in this section shall be construed as affecting the right of the Chief Commissioner of Lands and Works to make and declare highways under the provisions of section 93 of this Act. 1884, c. 16, s. 63.

FREE MINERS' RIGHTS.

FREE MINERS MAY SEARCH FOR MINERALS.—Sec. 95. Nothing herein contained shall exclude free miners from entering upon any land in this Province, and searching for and working minerals: Provided that such free miner, prior to so doing, shall give full satisfaction or adequate security, to the satisfaction of the Gold Commissioner, to the preemptor or tenant in fee simple, for any loss or damage he may sustain by reason thereof. If the amount of compensation (if any) cannot be agreed upon, the Gold Commissioner of the district wherein the land lies, with the assistance, if desired by either party, of a jury of five persons to be summoned by him, shall decide the amount thereof, and such decision and award shall be final. If there be no such Gold Commissioner in the said district, the Supreme Court shall have jurisdiction in the matter. 1884, c. 16, s. 64; 1891, c. 15, s. 14.

SAVE FREE MINERS' RIGHTS.—Sec. 96. Nothing in this Act contained shall be construed so as to interfere with the rights granted to free miners under the "Mineral Act," or any subsequent Acts relating to gold mining. 1884, c. 16, s. 65.

RESERVATION OF ROYALTY ON COAL.

ROYALTY ON COAL RESERVED.—Sec. 97. There is reserved to and for the use of Her Majesty, Her heirs and successors, a royalty of five cents upon and in respect of each and every ton of merchantable coal raised or gotten from any lands acquired under the provisions of this Act; and in any

Crown grant to be issued in pursuance of this act there shall be contained a reservation of the said royalty: Provided that no royalty be reserved on dross or fine slack. 1884, c. 16, s. 72.

WHERE COAL IS RESERVED, SAME GOES TO GRANTEE, SUBJECT TO ROYALTY.—Sec. 98. In all Crown grants heretofore issued, or which may be hereafter issued, by which the coal is reserved to the Crown, the coal so reserved shall become the property of the grantees and their assignees, and shall be subject to the royalty by this Act reserved. 1894, c. 24, s. 4.

LANDS PROSPECTED UNDER THE COAL PROSPECTING ACT, 1883.—Sec. 99. All lands for which propecting licenses have been issued under the "Coal Prospecting Act, 1883," shall, in case the same are purchased under the provisions of this Act, be subject to the royalty hereinbefore reserved. 1884, c. 16, s. 74.

RECTIFICATION OF CROWN GRANTS.

PROVIDES FOR CANCELLATION OF DEFECTIVE CROWN GRANTS AND ISSUE OF CORRECTED ONES IN LIEU THEREOF.—Sec. 100. Wherever a Crown grant has been issued to or in the name of the wrong party, through mistake in the Lands and Works Department, or contains any clerical error or misnomer, or wrong description of the land thereby intended to be granted, the Lieutenant-Governor in Council may direct the defective Crown grant to be canceled, and a correct one to be issued in its stead, which corrected Crown grant shall relate back to the date of the one so canceled and have the same effect as if issued at the date of such canceled Crown grant: Provided, however, that no such Crown grant shall be issued until after three months' notice of the intention to issue the same shall have been published in the British Columbia Gazette, and in one newspaper circulating in the district wherein the land is located for which the Crown grant is sought; and in the event of an adverse claim being filed with the Chief Commissioner of Lands and Works in the meantime, the same shall be adjudicated upon by him. 1884, c. 16, s. 55.

ACTIONS OF EJECTMENT AND TRESPASS.

EJECTMENT BY SUMMARY PROCESS.—Sec. 101. Any person lawfully occupying a claim, by record or pre-emption or holding a lease under this Act, may, in respect thereof, institute and obtain redress in an action of ejectment, or trespass, in the same manner and to the same extent as if he were seized of the legal estate in the land covered by such claims; but either party thereto may refer the cause of action to the Stipendiary Magistrate of the district wherein the land lies, or to a Justice of the Peace, who is hereby authorized to proceed summarily, and make such order as he shall deem just: Provided, however, that if requested by either party he shall first summon a jury of five persons to hear the cause, and their verdict or award on all matters of fact shall be final. 1884, c. 16, s. 26.

SUMMONING JURY. Sec. 102. It shall be lawful for any Magistrate, by an order under his hand, to summon a jury of five persons for any purpose under this Act, and in the event of non-attendance of any persons so summoned he shall have the power to impose a fine not exceeding twenty-five dollars. 1884, c. 16, s. 27.

APPEAL.

APPEAL TO SUPREME COURT. Sec. 103. Any person affected by any decision of a Magistrate or Commissioner under this Act may, within one calendar month after such decision, but not afterwards, appeal to the Supreme Court in a summary manner; and such appeal shall be in the form of a petition, verified by affidavit, to any Judge of such Court, setting out the points relied upon; and a copy of such petition shall be served upon the Magistrate or Commissioner whose decision is appealed from, and such time shall be allowed for his answer to the said petition as to the Judge of the Supreme Court may seem advisable; but no such appeal shall be allowed except from decisions on points of law. 1884, c. 16, s. 28.

SECURITY MAY BE ORDERED TO BE GIVEN. Sec. 104. Any person desirous of appealing in manner aforesaid may be required, before such appeal be heard, to find such security as may be determined by the Magistrate or Commissioner

whose decision is appealed from; and such appeal shall not be heard until after security, to the satisfaction of the Magistrate or Commissioner, shall have been given for the due prosecution of such appeal, and submission thereto. 1884, c. 16, s. 29.

APPEAL TO FULL COURT. Sec. 105. Any person dissatisfied with the decision of a Judge of the Supreme Court may appeal to the Full Court at Victoria, provided that notice of appeal be given to the opposite party within thirty days from such decision; and provided, also, that the appellant give within such period such security for costs as the Judge whose decision is appealed from may approve; and such appeal shall be dealt with as near as may be as in the case of an ordinary appeal to the Full Court from the decision of an action of the Supreme Court. 1886, c. 10, s. 2.

Note.—As to trespassers on Crown Lands, see "Crown Lands Trespassers Act, 1897." 1897 c. 21 (Appendix.)

CROWN GRANTS OF LAND PURCHASED BEFORE 1870.

CHIEF COMMISSIONER MAY REFER CLAIMANT FOR CROWN GRANT TO REGISTRAR-GENERAL. Sec. 106. In any case in which the Chief Commissioner of Lands and Works, or other, the officer for the time being charged with the duty of issuing Crown grants to persons claiming grants of land purchased previous to the thirteenth day of April, 1870, either directly or derivatively from the Crown, shall not be satisfied with the evidence of the validity of the claim of any applicant for such Crown grant, such Chief Commissioner or officer aforesaid is hereby authorized and empowered to, and shall, if required by the applicant so to do, refer such claim, and all other matters in anywise relating thereto, to the Registrar-General of Titles, who shall examine into the claim, title, or matter so referred, and proceed therein in the manner hereinafter provided. R. L. No. 131, s. 1.

WHO SHALL CAUSE HIS INTENTION TO RECOMMEND GRANT TO BE GAZETTED. Sec. 107. Upon evidence, to the satisfaction of the said Registrar-General, being adduced that any such applicant whose claim or title has been so referred as aforesaid is in anywise reasonably entitled to a grant from the Crown, of land either purchased from the

Crown by himself or by any person through whom he may claim title, the Registrar-General aforesaid shall, in cases where the applicant has not purchased directly from the Crown, cause a notice to be inserted in the British Columbia Gazette, for such space of time, not less than three calendar months, as the said Registrar-General shall in his discretion deem expedient, of his intention to recommend the issue of such Crown grant to the applicant, on the expiration of the time specified in such notice, unless in the meantime objection be made in writing to him against the issue thereof. R. L. No. 131, s. 2.

REGISTRAR-GENERAL'S CERTIFICATE TO ISSUE GRANT. Sec. 108. If no such objection be made within the time limited for that purpose, the Registrar-General shall, immediately on the expiration thereof, or as soon as may be practicable, certify in favor of the issue of the Crown grant to the applicant; and it shall be lawful for the said Chief Commissioner, or other officer aforesaid, upon the production of such certificate, to issue and deliver the Crown grant to the person so found to be entitled. R. L. No. 131, s. 3.

MAY REFER TO SUPREME COURT OR JUDGE. Sec. 109. If any objection be preferred in writing as aforesaid, or if the said Registrar-General be not satisfied of the sufficiency of the title of the applicant, it shall be lawful for the said Registrar-General either to refuse to grant such certificate, and the applicant or other person making any objection shall be at liberty to require the said Registrar to refer the matter in dispute to the decision of the Supreme Court, or to any Judge of such Court, as to the title for the time being in question, or any matter or thing relating thereto; and such Court or Judge as aforesaid is hereby authorized and empowered to decide every such matter and thing; and such decision or order shall be sufficient authority for the Registrar-General to certify in favor of the issue of the Crown grant to the person by such decision or order held to be entitled to the same. R. L. No. 131, s. 4.

SUMMARY MODE OF REFERENCE AND DECISION. Sec. 110. The matter in dispute may be brought before the Court as aforesaid, by way of a case stated by the claimant, or by the Registrar-General, in such form as he shall deem expedient, or before a Judge by summons; and thereupon, the

Court or Judge shall decide all questions of law and fact, or if so desired by the claimant, shall order any question of fact to be tried by a jury in the usual way, and to direct by whom and to whom the cost (if any) consequent on or attending the application (the granting and amount of which costs shall be entirely in the discretion of the Judge of the Court) be paid, or the Judge may refuse to decide the matter, and refer it to the Court. R. L. No. 131, s. 5.

REGISTRAR MAY SUMMON WITNESSES. Sec. 111. The claimant aforesaid is hereby empowered and shall be entitled to obtain a summons at the office of any Registrar of the Supreme Court to any witness, with or without a clause requiring the production of papers and documents in his possession or control. R. L. No. 131, s. 6, part.

POWER TO ENFORCE ATTENDANCE. Sec. 112. Every person on whom such summons shall have been served, either personally or in such other manner as shall be directed by the Court or Judge, and to whom at the same time payment or tender of payment of his expenses shall have been made, on such scale of allowance as shall for the time being be in force for witnesses generally, according to the rules of the said Court, and who shall refuse or neglect, without sufficient cause, to appear or to produce any such papers or documents required by such summons to be produced, shall forfeit and pay a fine not exceeding fifty dollars, as the Judge shall set on him; and the whole or any part of such fine, in the discretion of the Judge or Court, after deducting the costs, shall be applicable towards indemnifying the party injured by such refusal or neglect, and the remainder thereof shall be paid into the Treasury of the Province, to the use of Her Majesty, Her heirs and successors. R. L. No. 113, s. 6, part.

ISSUE OF GRANT NOT TO AFFECT EQUITIES. Sec. 113. The issue of any such grant as aforesaid shall not bar or in any way affect any equities that there may be attaching to or affecting the land or the title thereto at the time of the issuing of the Crown grant thereof. R. L. No. 131, s. 7.

INDEMNIFIES ALL GOVERNMENT OFFICERS. Sec. 114. No action or other proceeding shall be maintainable at any time hereafter, by any person against the Registrar-General, nor shall he, or any other officer of the Government whom-

soever, be liable for any loss, damage, costs, or expenses whatsoever, by reason or in consequence of the issue of such certificate and Crown grant as aforesaid. R. L. No. 131, s. 8.

CHIEF COMMISSIONER MAY ENFORCE PRODUCTION OF PAPERS. Sec. 115. It shall be lawful for the said Chief Commissioner, before the issue of any Crown grant as aforesaid, to require and enforce the delivery and production of all papers and documents forming the chain of title to the land comprised in such grant, and the decision or order of the Court or Judge, if any, obtained as hereinbefore provided; and the said papers and documents, and decision or order as aforesaid, shall be deposited by such Chief Commissioner, or other officer as aforesaid, in the office of the Registrar-General, there to be kept as part of the records of such office. R. L. No. 131, s. 9.

REGISTRAR-GENERAL MAY ADMINISTER OATHS. FALSE STATEMENT OR CONCEALMENT A MISDEMEANOR. Sec. 116. The Registrar-General is hereby empowered to administer oaths to all persons desirous of giving evidence relating to the title of any person claiming a Crown grant as aforesaid; and also to require any statement made by any witness to be reduced into writing, by way of affidavit or solemn declaration; and every witness or other person who shall, in giving such evidence before any Judge or Court, Chief Commissioner, or Registrar, as aforesaid, make any wilful false statement, or suppress or conceal any material document or fact, shall be deemed guilty of a misdemeanor, and upon conviction shall be liable, at the discretion of the Court by which he is convicted, to be fined in a sum not exceeding one hundred dollars, or imprisoned for a term not exceeding three calendar months. R. L. No. 131, s. 10.

FEE FOR CERTIFICATE. Sec. 117. There shall be paid to the Registrar-General the sum of five dollars for every certificate so granted by him as aforesaid, to be accounted for as part of the fees of the Land Registry Office. R. L. No. 131, s. 11.

MISCELLANEOUS PROVISIONS.

BOOKS TO BE KEPT. Sec. 118. Each Commissioner appointed under this Act shall keep a book or books, in which he

shall enter the date and particulars of every record, certificate of improvement, or other document relating to or in any manner affecting any pre-emption claim within his district. 1884, c. 16, s. 67.

NOTICES OF SURVEYS TO STATE NAME OF APPLICANT FOR SUCH SURVEY. Sec. 119. All notices inserted by the Chief Commissioner of Lands and Works in the British Columbia Gazette, of surveys made under authority of this Act, shall state the name of the applicant for whom such survey has been made. 1884, c. 16, s. 70.

FEES PAYABLE TO THE LANDS AND WORKS DEPARTMENT. Sec. 120. The fees hitherto collected and received by the Lands and Works Department, shall be deemed to have been lawfully collected and received, and the following fees shall hereafter be due and payable, viz:—

For every Record or Certificate of Improvement..... $2 00 each
For every Crown grant..... ... ... 5 00 each
For the survey of every one hundred and sixty acres of land, or fraction thereof, fifteen cents per acre.

1884, c. 16, s. 75; 1891, c. 15, s. 15.

APPLICATION OF FINES. Sec. 121. All fines and fees payable under this Act shall be deemed to be made payable to the use of the Crown. 1884, c. 16, s. 68.

CHINESE NOT TO RECORD OR ACQUIRE CROWN LANDS. SUCH RECORD OR GRANT TO BE VOID. Sec. 122. It shall not be lawful for a Commissioner or any other person to issue a pre-emption record of any Crown land, or sell any portion thereof, to any Chinese, nor grant authority under the said Act to any Chinese to record or divert any water from the natural channel of any stream, lake, or river in this Province. Any record or grant made contrary to the provisions of this section shall be void and of no effect. 1884, c. 2, ss. 1 & 2.

LICENSES TO PROSPECT FOR COAL. Sec. 122a. Notwithstanding anything in any Act contained, it shall be lawful to grant licenses to prospect for coal over reserved lands, but such licenses shall be subject to such restrictions, conditions, and regulations as may be imposed by the Lieutenant-Governor in Council. 1891, c. 15, s. 16.

POWER FOR LIEUTENANT-GOVERNOR TO MAKE GRANTS TO RAILWAYS. Sec. 122b. The Lieutenant-Governor in Council may, subject to any terms and conditions which he may see fit to impose, grant to any railway or tramway company incorporated under authority of the Legislature of the Province, a right of way, not to exceed one hundred feet in width, through Crown lands, together with such other Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, bridges, culverts, drains, and other works of the company. 1891, c. 15, s. 17.

SCHEDULE. Sec. 123. The schedule hereto shall form part of this Act. 1884, c. 16, s. 66.

LIEUTENANT-GOVERNOR IN COUNCIL MAY MAKE RULES AND REGULATIONS FOR CARRYING OUT LAND ACT. Sec. 124. It shall be lawful for the Lieutenant-Governor in Council from time to time to make rules and regulations, not inconsistent with the statute, for the carrying into effect and operation the true intent and meaning of the "Land Act" and amendments thereto, and such rules and regulations shall from time to time be published in the British Columbia Gazette and signed by the Chief Commissioner of Lands and Works, and shall have the effect and force of law. 1892, c. 25, s. 12.

CERTAIN PARTIES MAY BE PERMITTED TO PURCHASE LAND APPLIED FOR PREVIOUS TO 22ND FEBRUARY, 1892. Sec. 125. The provisions of this Act shall not apply to the case of any bona fide location of land followed by compliance with the provisions of the "Land Act" and due notice of intention to apply for leave to purchase which may have been advertised as required by law previous to the twenty-second day of February, eighteen hundred and ninety-two, and notwithstanding anything in this Act contained any person having given such notice, and having fully complied with the provisions of the "Land Act," may be permitted to purchase the land applied for if the purchase be carried to completion on or before the thirtieth September, eighteen hundred and ninety-two, but no later, and if the Chief Commissioner of Lands and Works shall be satisfied that but for the passage of this Act the purchase would have been allowed to proceed. 1892, c. 25, s. 13.

SCHEDULE

Form No. 1.

"LAND ACT."

Declaration of Intention. (Sec. 5.)

I, , of , a subject (or citizen) of do solemnly and sincerely declare, that it is honestly my intention to become a British subject, and to renounce forever all other allegiance and fidelity to all and any foreign prince, potentate, state, and sovereignty whatsoever; and I make this declaration by virtue of the "Evidence Act, 1894."

Declared and signed before me, this day of 18 , by the declarant.

Signature of Declarant.

Commissioner or J. P.

1884, c. 16, Sch., Form 1; 1896, c. 28, s. 9.

Form No. 2.

"LAND ACT."

Declaration. (Secs. 7 & 8.)

District of

I, of , do solemnly and sincerely declare that the land for the record of which I have made application, dated the day of , 18 , is unoccupied and unreserved Crown Land, within the meaning of the "Land Act," and is not an Indian settlement, or any portion thereof; that I have staked off and marked such land in accordance with the provisions of the "Land Act;" that my application to record is not made in trust for, on behalf of, or in collusion with, any other person or persons, but honestly on my own behalf for settlement and occupation; and I also declare that I am duly qualified under the said Act to record the said land; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Evidence Act, 1894."

Declared and subscribed by the within named , on the day of , A. D. 18 , before me.

Signature of Declarant.

Commissioner or J. P.

1884, c. 16, Sch., Form 2; 1896, c. 28, s. 9.

Form No. 3.

"LAND ACT."

Certificate of Pre-emption Record. (Sec. 12.)

Original (to be retained by settler.) No. in District Register.

District of

Name of pre-emptor

Date of record

Number of acres

Where situated

Description of boundaries of claim

The above boundaries are subject to confirmation with and rectification upon official survey.

Signature of Commissioner.

N. B.—Plan of the claim to be drawn on the back of this sheet.

1884, c. 16, Sch., Form 3.

Form No. 4.

"LAND ACT."

Certificate of Improvement.

District of

I hereby certify that has satisfied me, by the evidence of (*), that of , has been in occupation, as required by the "Land Act," of his pre-emption claim, recorded as No. in this district, from the date of such pre-emption record to the present time, and that he has made improvements amounting in the aggregate to two dollars and fifty cents an acre on such pre-emption claim. Surveyed and numbered on the official map

Signed this day of , A. D. 18 .

Commissioner.

1884, c. 16, Sch., Form 4.

*Naming the witnesses and describing their and any other evidence upon which the Commissioner has come to his judgment.

Form No. 5.

"LAND ACT."

Declaration. (Sec. 22.)

District of

We, of , do solemnly and sincerely declare as follows:—

And, firstly, I, the said , for myself declare that I have been in the occupation of my pre-emption claim from the date of the record thereof, and have made permanent improvements thereon amounting in the aggregate to two dollars and fifty cents per acre of the whole land.*

And, secondly, we , for ourselves, declare that the above-named has made permanent improvements on his pre-emption claim, amounting in the aggregate to two dollars and fifty cents per acre of the whole land, the details whereof are correctly set forth by the said

And we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Evidence Act, 1894."

Declared and signed by the within named on the day of , A. D. 18 , before me

Signature of Declarant.

Commissioner or J. P.

Declared and signed by the within named on the day of , A. D. 18 , before me

Signature of Declarant.

Commissioner or J. P.

Declared and signed by the within named on the day of , A. D. 18 , before me

Signature of Declarant.

Commissioner, or J. P.

1884, c. 16, Sch. Form 5. 1896, c. 28, s. 9.

*Here set out fully in detail the nature of the improvements.

Form No. 6.

"LAND ACT."

Declaration.

District of

I, , of , declare and say:—

1. That the land which has been surveyed as

District,

is the land which I claim by virtue of a record dated the day of , 18 .

2. That I have occupied, in manner prescribed by the "Land Act," the land recorded by me on the said day of , 18 , from the time of the said record up to the present time.

3. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Evidence Act, 1884."

Declared and signed by , on the day of , 18 , before me.

Signature of Declarant.

Commissioner, o- J. P.

1884, c. 16, Sch., Form 6. 1896, c. 28, s. 9.

Form No. 7.

(Royal Arms.)

L.. S.

Province of
British Columbia.

No.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth. To all to whom these presents shall come greeting: Know ye that We do by these presents, for Us, Our heirs and successors, in consideration of the sum of to Us paid, give and grant unto h heirs and assigns, All that parcel or lot of land situate and numbered on the official plan or survey of the said in the Province of British Columbia to have and to hold the said parcel or lot of land, and all and singular the premises hereby granted, with their appurtenances,

unto the said , h heirs and assigns, forever.

Provided, nevertheless, that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing paths, or other works of public utility or convenience, so nevertheless that the lands so to be resumed shall not exceed one-twentieth part of the whole of the lands aforesaid, and that no such resumption shall be made of any lands on which any buildings may have been erected, or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings.

Provided, also, that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting under Our or their authority, to enter into and upon any part of the said lands, and to raise and get thereout any minerals, precious or base, other than coal which may be thereupon or thereunder situate, and to use and enjoy any and every part of the same land, and of the easements and privileges thereto belonging, for the purpose of such raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting, and use, reasonable compensation.

Provided, also, that there shall be, and there is hereby reserved to Us, Our heirs and successors, a royalty of five cents upon and in respect of each and every ton of coal raised or gotten from the lands hereby granted.

Provided, also, that it shall be lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through, or under any parts of the hereditaments hereby granted as may be reasonably required for mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation to the aforesaid , h heirs and assigns.

Provided, also, that it shall be at all times lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take from or upon any part of the hereditaments hereby granted, without compensation, any gravel, sand, stone,

lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.

In testimony whereof We have caused these Our letters to be made patent, and the great seal of Our Province of British Columbia to be hereunto affixed: Witness His Honor , Lieutenant-Governor of Our Province of British Columbia, and its Dependencies, at our Government House, in Our City of Victoria, this day of in the year of Our Lord one thousand eight hundred and , and in the year of Our reign.

By Command.

1884, c. 16, Sch., Form 7; 1891, c. 15, s. 11. See 1897, c. 19, s. 2, in case of lands being divided into town lots.

1891.—CHAPTER 17.—54 VICTORIA.

AN ACT RESPECTING LAND SURVEYORS.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

"SURVEYOR-GENERAL." Sec. 1. The term "Surveyor-General," whenever it occurs in this Act, shall mean the person holding the office for the time being.

WHO MAY ACT AS LAND SURVEYOR. Sec. 2. No person shall act as Surveyor of Lands within this Province unless he has been duly authorized to practice as a Land Surveyor according to the provisions of this Act, or had been so authorized before the passing thereof, according to the laws then in force, and any person who shall practise as a Land Surveyor without having been so authorized shall be liable to a penalty not exceeding the sum of fifty dollars. Persons so authorized shall be styled "Provincial Land Surveyors of the Province of British Columbia."

PERSONS HOLDING CERTAIN CREDENTIALS. (a.) Provided, however, that nothing in this Act shall be construed to prevent any British subject who is a qualified Civil Engineer, and who holds undoubted credentials as such from

any British or Canadian University or chartered Institute of Engineers, or from any British or Canadian Civil Engineer or firm of British or Canadian Civil Engineers of repute, from making such surveys as may be incidental to works of construction upon which he may be employed; and plans of such surveys prepared and certified by him shall be authoritative and admissible, when necessary, to public record. And such Civil Engineer shall be entitled to practice as a Provincial Land Surveyor when he shall have presented such credentials to the Board of Examiners, or shall have otherwise satisfied the Board that he is qualified to practice as a Civil Engineer in some part of Her Majesty's dominions, and shall have furnished proof to them that he is possessed of a proper knowledge of the Provincial system of land surveys, and has resided in the Province for one year immediately preceding his application for admission. 1897, c. 22, s. 3.

BOARD OF EXAMINERS.

BOARD OF EXAMINERS. Sec. 3. There shall be a Board of Examiners for the examination of candidates for admission to practice as Land Surveyors in the Province of British Columbia; such Board shall consist of the Surveyor-General and five other Provincial Land Surveyors to be appointed from time to time by the Lieutenant-Governor in Council, and to meet at the office of the Chief Commissioner of Lands and Works on the first Monday in each of the months of April and October in every year, unless such Monday be a holiday, in which case they shall meet on the next ensuing day not being a holiday, and may adjourn such meeting from time to time as they deem it necessary.

OATH OF OFFICE. Sec. 4. Each member of the said Board shall take an oath of office according to Form A in the Schedule to this Act, to be administered by a Judge of the Supreme Court or a Judge of the County Court, and three of such members shall form a quorum.

SECRETARY OF BOARD. Sec. 5. The said Board, or a majority thereof, shall from time to time appoint a fit and proper person to be Secretary of such Board, who shall attend the sittings thereof and keep a record of its proceedings.

ARTICLED PUPILS.

QUALIFICATION FOR ADMISSION OF ARTICLED PUPILS AND EXAMINATION. Sec. 6. No person shall be admitted to be an articled pupil to a Provincial Land Surveyor unless he has previously passed an examination before the Board of Examiners, or before some Provincial Land Surveyor deputed for the purpose, as to his penmanship and orthography, and also as to his knowledge of arithmetic, algebra, as far as quadratic equations (Todhunter), the first four books of Euclid, plane trigonometry, and the use of logarithms, and has obtained a certificate of such examination and his proficiency from such Board or Provincial Land Surveyor.

NOTICE TO BE GIVEN BY APPLICANTS. Sec. 7. Candidates for such examination as pupils previous to being articled, shall give one month's notice in writing to the Secretary of the Board of their intention to present themselves for examination, and shall pay to the Secretary of the Board for receiving and entering such notice the fee herein prescribed.

EXAMINATION FEES. Sec. 8. Before being so examined, and upon the issuance of certificates, candidates shall pay to the Secretary of the Board the respective fees hereinafter prescribed.

QUALIFICATION FOR ADMISSION TO PRACTICE.

QUALIFICATION FOR ADMISSION TO PRACTICE. Sec. 9. No pupil, except as hereinafter provided, shall be entitled to be examined for admission as Provincial Land Surveyor unless he has previously served regularly and faithfully for and during the period of three successive years under articles in writing, in the Form B in the Schedule to this Act, duly executed before two witnesses, as pupil of a Provincial Land Surveyor, and unless he produces such evidence of regular and faithful service as the Board requires, and such three years' service shall include at least twelve months' actual practice in the field, and he shall produce satisfactory testimony as to his character for sobriety and probity. Any authorized Land Surveyor of any Province in the Dominion of Canada

may, by an instrument in writing, transfer a pupil with his own consent to any Provincial Land Surveyor in the Province of British Columbia, with whom such pupil may serve the remainder of his term and the time that such pupil has served with such a Land Surveyor of any other Province shall be deducted from and count as part of the term of three years mentioned in this Act.

PROVISO. Provided that if any candidate for admission as a Provincial Land Surveyor can show to the satisfaction of the Board of Examiners, by certificate from authorized Surveyors, that he has, prior to the passage of this Act, served regularly, though not under written articles, as an assistant of such authorized Surveyor or Surveyors for a full period of three years, including at least twelve months' actual practice in the field, he shall be entitled to present himself to be examined for admission as a Provincial Land Surveyor: Provided also that it shall not be necessary for any candidate for admission as a Provincial Land Surveyor, who may have served regularly under articles for a term of three years with a Surveyor in regular practice in any of Her Majesty's dominions other than Canada, to serve the said term of three years under a Provincial Land Surveyor of this Province, but he may present himself for examination for his final certificate after serving one year (of which six months must have been in the field) with a Provincial Land Surveyor of this Province, but he shall also produce satisfactory testimony as to his character for sobriety and probity.

IF SURVEYOR DIES ARTICLES MAY BE COMPLETED WITH ANOTHER SURVEYOR. Sec. 10. If any Provincial Land Surveyor dies, or leaves the Province, or is suspended, or has his commission canceled, his pupil may complete his term under articles as aforesaid with any other Provincial Land Surveyor of the Province of British Columbia.

CASE OF PERSONS HOLDING CERTIFICATES OF SOME OTHER PROVINCE. Sec. 11. Any person who shall have been duly qualified before the passing of this Act, by certificate, diploma, or commission, to survey Crown lands in any other of the Provinces of the Dominion of Canada, or who may hereafter become so qualified, and in which, in order to be so qualified, a course of study, including the subjects

prescribed by this Act, is required by law of such Province or the Dominion, shall be entitled to obtain a commission as a Provincial Land Surveyor of the Province of British Columbia without being articled for the term aforesaid, and without being subjected to any examination other than as regards the system of surveys of the Provincial lands of the Province of British Columbia.

CASE OF PERSONS HOLDING CERTIFICATES OF SOME OTHER PART OF HER MAJESTY'S DOMINIONS. Sec. 12. It shall not be necessary for any Land Surveyor duly admitted to practice in any of Her Majesty's dominions other than Canada, in which the standard of requirements is shown to the satisfaction of the Board of Examiners to be similar both in theory and practice to that prescribed in this Act, to undergo any examination other than as regards the system of surveys of the Provincial lands of the Province of British Columbia, or to be articled for the said term.

CASES OF PERSONS HAVING ATTENDED COLLEGES. Sec. 13. Any person who shall have followed a regular course of study in all the branches of education required by this Act for admission as a Provincial Land Surveyor, through the regular sessions for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college or university a certificate, diploma, or degree vouching therefor, shall not be obliged to serve three years as aforesaid, but shall be entitled to examination after one year's service under articles with a Provincial Land Surveyor, such service to include at least six months' actual practice in the field.

NOTICE OF EXAMINATION TO BE GIVEN BY CANDIDATES. Sec. 14. Every person who desires to be examined before the Board for a commission as a Provincial Land Surveyor for the Province of British Columbia shall give at least one month's notice in writing to the Secretary, previous to the meeting of the Board, and shall with such notice transmit the fee hereinafter prescribed.

EXAMINATION FEE. Sec. 15. Before being so examined, each candidate shall pay to the Secretary of the Board the examination fee hereinafter prescribed.

WHO MAY RECEIVE COMMISSION AS PROVINCIAL LAND SURVEYOR. Sec. 16. No person shall, unless he is thereto entitled under any other clause of this Act, receive a commission from the Government authorizing him to practice as a Provincial Land Surveyor, unless he has complied with the foregoing provisions of this Act, nor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the Board on the following subjects, viz.:—Plane and solid geometry; spherical trigonometry, so far as it includes the solution of triangles; the use of logarithms; measurement of areas, including their calculation by latitude and departure; and dividing or laying off lands; a knowledge of the elements of practical astronomy, and the solution of the following elementary problems:—

(*a.*) To ascertain the latitude of a place, from an observation of a meridian altitude of the sun or of a star.

(*b.*) To obtain the local time and azimuth, from an observed altitude of the sun or a star

(*c.*) From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter.

He shall be practically familiar with surveying operations, and capable of intelligently reporting thereon, and be conversant with the keeping of field-notes, their plotting and representation on plans of survey, in a style of draughtsmanship satisfactory to the Board; description of lands by metes and bounds for title, and with the adjustment and methods of use of ordinary surveying instruments; and shall also be perfectly conversant with the system of survey as embodied in the Land Acts and the law regarding the registration of plans in the Province of British Columbia.

PERSONS WHO HAVE ALREADY SERVED OR PASSED CERTAIN EXAMINATIONS MAY BE ADMITTED. Sec. 16a. Notwithstanding anything in the "Provincial Land Surveyors' Act, 1891," any person who shall have passed the examination for and served two years in any of Her Majesty's surveys, or as an officer in Her Majesty's Royal Engineers, or who may have served regularly under articles for a term of two years with a Surveyor in regular practice in any of Her Majesty's Dominions, or who has been in the active employ of any chartered railway company in this Prov-

ince as a Surveyor and Engineer for the space of five years, shall be admitted to serve as a Provincial Land Surveyor on his passing the examination provided in section 16 hereof, and without his being obliged to serve any further apprenticeship. 1897, c. 22, s. 2.

PERSON RECEIVING COMMISSION TO TAKE OATHS OF ALLEGIANCE AND OFFICE. Sec. 17. Every person who is entitled to receive a commission under this Act shall receive a commission from the Board of Examiners in accordance with Form C in the Schedule of this Act, constituting him a Provincial Land Surveyor of the Province of British Columbia, and shall take and subscribe before any member of the Board of Examiners, who is hereby authorized and required to administer the oath of allegiance and an oath in the form following:—

"I , do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a Provincial Land Surveyor according to law, without favor, affection, or partiality; so help me God."

Until the above formalities have been complied with, the said commission of Provincial Land Surveyor shall have no effect.

WHERE DEPOSITED. Sec. 18. The said oaths of allegiance and office shall be deposited in the office of the Chief Commissioner of Lands and Works.

A register of all Provincial Land Surveyors, showing the dates of their commissions, shall be kept in the office of the Chief Commissioner of Lands and Works.

FEES TO BE PAID TO THE BOARD. Sec. 19. The following fees shall be paid under the provisions of this Act:—

(*a.*) To the Secretary of the Board by each pupil on giving notice of his desire for examination before being articled, two dollars.

(*b.*) To the Secretary of the Board as examination fee, under section 8 hereof, ten dollars, and a further fee of five dollars for the certificate.

(*c.*) To the Secretary of the Board by each candidate for examination as Provincial Land Surveyor, with his notice thereof, three dollars.

(*d.*) To the Secretary of the Board as examination fee, under section 15 hereof, twenty dollars.

(*e.*) To the Secretary of the Board, as an admission fee, by any candidate receiving a commission, thirty dollars.

All the above fees shall be paid over to the Chief Commissioner of Lands and Works to the credit of the Consolidated Revenue Fund.

WHEN BOARD MAY SUSPEND LICENSED SURVEYORS. Sec. 20. A Board, consisting of the said Board of Examiners, may in its discretion suspend for such a time as it shall think fit, or cancel the commission of any Provincial Land Surveyor whom it finds guilty of gross negligence or corruption in the execution of the duties of his office; but such action shall not be taken without such surveyor having been previously summoned in order to be heard in his defense, nor until the Board has heard the evidence offered, both in support of the complaint and on behalf of such surveyor; and if after being summoned as aforesaid the surveyor does not appear, the above-mentioned board may appoint a fit and proper person to present the evidence on behalf of the surveyor.

SURVEYORS' CHAINS TO BE CERTIFIED BY FEDERAL AUTHORITIES. Sec. 20a. Every Land Surveyor duly admitted to the profession, and practicing in this Province, shall, under penalty of forfeiting his license or certificate, procure and cause to be examined, corrected, and stamped, or otherwise certified by the Federal authorities, a standard measure of length, and every such Surveyor shall, previously to using a chain for surveying, verify by such standard the length of his chains. 1892, c. 27, s. 4.

RECOVERY OF PENALTIES. Sec. 21. Any penalty recoverable under this Act may be recovered by way of summary proceedings before any single Justice of the Peace having jurisdiction in the locality in which the offense was committed, and every such penalty may, together with the costs of conviction, be levied by distress and sale of the goods and chattels of any offender, and in case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such person so offending, for any term not exceeding one calendar month.

SHORT TITLE. Sec. 22. This Act may be cited as the "Provincial Land Surveyors' Act, 1891."

SCHEDULE.

FORM A.

(Section 5.)

OATH OF MEMBER OF BOARD OF EXAMINERS.

I, , of , having been appointed a member of the Board of Examiners for the admission of Provincial Land Surveyors for the Province of British Columbia, do sincerely promise and swear (or affirm, as the case may be) that I will faithfully discharge the duties of such office without favor, affection, or partiality; so help me God.

Sworn before me, , at , this day of , 18 .

FORM B.

ARTICLES OF PUPIL TO PROVINCIAL LAND SURVEYOR.

These Articles of Agreement, made the day of one thousand eight hundred and , between A. B., of of , Provincial Land Surveyor, of the one part, and C. D., of , and E. F., son of the said C. D., of the other part, witness:—

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B., to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended.

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well and faithfully, and diligently, according to the best and utmost of his power, serve the said A. B. as his pupil in the practice or profession of a Provincial Land Surveyor, which he, the said A. B., now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years.

And that he, the said E. F., shall not, at any time during

such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field-notes, moneys, chattels, or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last mentioned covenant, or if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehavior, neglect, or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof.

And further, that the said E. F. shall at all times keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B., in all matters and things, and, from time to time, pay all moneys which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A. B. at any time during the said term, without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he, the said E. F., will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do, in all things whatsoever in the manner above specified.

In consideration whereof, and of of lawful money by the said C. D. to the said A. B. paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B., for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B.

will accept and take the said E. F. as his pupil, and that he, the said A. B., will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by section 16 of the "Provincial Land Surveyors' Act, 1891," in practical surveying operations, and in the use of instruments, and generally in the art, practice and profession of a Provincial Land Surveyor, which he, the said A. B., now doth, and shall, at all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, use his best means and endeavors, at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and procure him, the said E. F., to be examined before the Board of Examiners of candidates for commissions as Provincial Land Surveyors: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them, the said A. B. and C. D. doth bind himself, his heirs, executors and administrators, under the other, his heirs, executors, administrators and assigns, in the penal sum of five hundred dollars, firmly by these presents:

In witness whereof, the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (Seal.)
Signed, sealed and delivered C. D. (Seal.)
in the presence of E. F. (Seal.)
G. H.,
J. K.

FORM C.

COMMISSION AS PROVINCIAL LAND SURVEYOR.

This is to certify to all to whom it may concern that of hath duly passed his examination before the Board of Examiners, and hath been duly qualified to fill the office and perform the duties of a Provincial Land Sur-

veyor in and for British Columbia, he having complied with all the requirements of the law in that behalf; wherefore he, the said , is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practice as a Surveyor of Provincial land in British Columbia.

In witness whereof, we, the President and Secretary of said Board, have signed this commission at on this day of , 18 .

President.

Secretary.

1888.—CHAPTER 109.—51 VICTORIA.

AN ACT RESPECTING THE OFFICIAL SURVEY OF LANDS.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

ORIGINAL BOUNDARY LINES.

BOUNDARIES PLACED UNDER THE AUTHORITY OF THE GOVERNMENT TO BE DEEMED THE TRUE ONES, &c. Sec. 1. All boundary lines of townships, ranges, sections, or legal subdivisions of sections, blocks, gores, lots and commons, surveyed and run; and all mounds, posts, or monuments, marked, erected, placed or planted at the angles of any townships, ranges, sections, or other legal subdivisions, blocks, gores, lots, commons, or other parcels of land, under the authority of the Government heretofore or hereafter, shall be the true and unalterable boundaries of such townships, ranges, sections, or other legal subdivisions, blocks, gores, lots, commons, or other parcels of land respectively, whether the same, upon admeasurement, be or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant, or other instrument, in respect of any such township, range, section, or other legal subdivision, block, gore, lot, common, or parcel of land. 1886, c. 20, s. 1.

TOWNSHIPS, &c., TO COMPRISE ALL THE SPACE INCLUDED WITHIN THEIR BOUNDARIES. Sec. 2. Every township, section, or other legal subdivision, block, gore, common, lot, or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively so erected, marked, placed or planted by the authority aforesaid, at the several angles thereof, and no more or less; any quantity or measure expressed in the original grant or patent thereof notwithstanding. 1886, c. 20, s. 2.

DIVISION LINES TO CORRESPOND WITH LINES ON OPPOSITE SIDE OF BLOCK, &c. Sec. 3. The division lines between lots and sections, in ranges and blocks, shall be straight lines joining the posts in front with the corresponding posts on the opposite side of the range or block, when the official plan or field-notes show that the said opposite posts were intended to be on the same straight line. 1886, c. 20, s. 7.

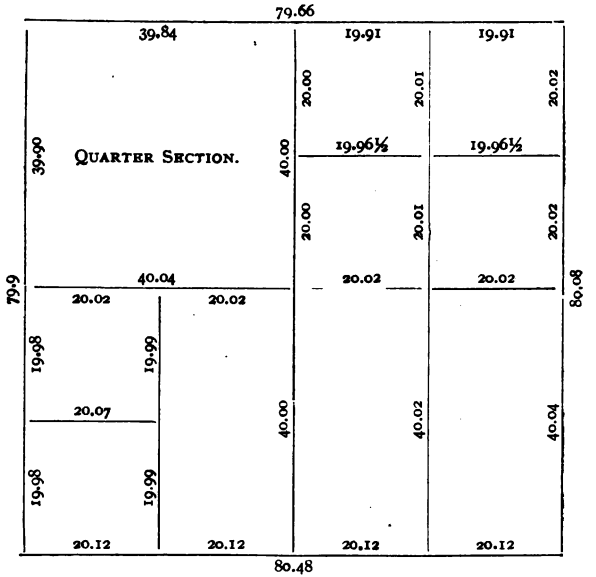
AS TO ALIQUOT PARTS OF TOWNSHIPS. Sec. 4. Every patent, grant or instrument purporting to be for any aliquot part of any section or other legal subdivision, block, gore, common, lot, or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant, or instrument. 1886, c. 20, s. 3.

CASES WHERE THE ORIGINAL POST OR MONUMENT CANNOT BE FOUND, PROVIDED FOR. Sec. 5. In all cases when any land surveyor is employed to run any dividing line or limits between lots, sections, or other legal subdivisions and the original corner, mound, post, or monument from which such line should commence cannot be found, he shall obtain the best evidence that the nature of the case admits of respecting such side line, post or limit; but if the same cannot be satisfactorily ascertained, then the Surveyor shall measure the true distance between the nearest undisputed mounds, posts, limits, or monuments, and divide such distance into such number of lots, sections, or other legal subdivisions (as the case may be) as the same contained in the original survey, giving to each a breadth proportionate to that intended in such original survey, as shown on the plan

and field-notes thereof of record in the office of the Chief Commissioner of Lands and Works; and if any portion of the township, range or section line (as the case may be) on which such corner, mound, post, or monument was or should have been planted in the original survey, should be obliterated and lost, then the Surveyor shall run a line, similar to that shown on the original plan and field-notes, between the two nearest points or places where such line can be clearly and satisfactorily ascertained, and shall plant all such intermediate posts or monuments as he may be required to plant in the line so ascertained, giving the exact width to any allowance for a road or roads set out in such original survey; and the corner or division, or limits, so found, shall be the true corner or division, or limits, of such lot, section, or other legal subdivision. 1886, c. 20, s. 4.

SUBDIVISION LINES.

LAYING OUT SUBDIVISIONS, WHEN LAND SURVEYED IN SECTIONS ONE MILE SQUARE. Sec. 6. In all cases when a Land Surveyor is employed to lay out a given half-section or quarter-section, where the land has been surveyed into sections of one mile square, with quarter-section posts placed upon the section lines every forty chains, he shall effect the same by connecting the opposite original quarter-section corners (should the same be existing, or if the same be not existing, by connecting the several points in lieu thereof found in accordance with the preceding section) by straight lines; and in laying out other and minor legal subdivisions in any quarter-sections, he shall give such legal subdivision its proportionate share of the frontage and intermediate breadth of such quarter-section, and connect the points so found by a straight line, and the lines or limits so drawn as above on the ground shall in the respective case be the true lines or limits of such half-section or quarter-section, or other legal subdivision, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.



1886, c. 20, s. 5.

DRAWING DIVISION LINES BETWEEN FRACTIONAL SECTIONS, &c. Sec. 7. The dividing lines or limits between fractional-sections, quarter-sections, lots or gores, where no corresponding posts have been placed on the opposite sides, shall be drawn from the original corners (or the posts representing such corners, as defined on the ground, in accordance with the provisions of this Act), in the line intended as the front of such section, quarter-section, lot or gore, at such an angle to said line as was intended in the original survey, as shown on the official plan and field-notes thereof. 1886, c. 20, s. 6.

ASCERTAINING DOUBTFUL POINTS.

SURVEYORS MAY ADMINISTER OATHS FOR CERTAIN PURPOSES. Sec. 8. For better ascertaining the original corner or limits of any township, section, or other legal subdivision, lot, or tract of land, every Provincial Land Surveyor acting in that capacity, may administer an oath or oaths to each and every person whom he may examine concerning any corner, mound, post, monument, or other boundary or any original landmark, line, limit, or angle, of any township, section or other legal subdivision, lot or tract of land which such Provincial Land Surveyor is employed to survey. 1886, c. 20, s. 9.

THE COURSE TO BE ADOPTED BY SURVEYORS TO ASCERTAIN THE BOUNDARY LINE WHEN DOUBTFUL, &c. Sec. 9. When any Provincial Land Surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot, or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of writing, plan or document, tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before and be examined by such Land Surveyor, or does not willingly produce to him such writing, plan, or document, such Provincial Land Surveyor may apply to any Justice of the Peace for an ordinary subpoena as witness, or a subpoena duces tecum, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace of the facts on which the application is founded; and such Justice may issue a subpoena accordingly, commanding such person to appear before the Provincial Land Surveyor at a time and place to be mentioned in the subpoena and (if the case require it) to bring with him any writing, plan, or document, mentioned or referred to therein.

HOW TO BE SERVED. (1.) Such subpoena shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original.

CONSEQUENCE OF DISOBEYING. (a.) If the person commanded to appear by such subpoena, after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the Surveyor at the place and time appointed in the subpoena, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the Justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such Justice. 1886, c. 20, s. 10.

EVIDENCE TAKEN BY THE SURVEYOR TO BE REDUCED TO WRITING AND SIGNED. Sec. 10. All evidence taken by a Provincial Land Surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person; or if he cannot write, he shall acknowledge the same as correct before two witnesses who shall sign the same, as also the Provincial Land Surveyor, and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace by any Provincial Land Surveyor with reference to any survey by him performed, be annexed to the field-notes of such survey, and be deposited in the office of the Chief Commissioner of Lands and Works or Surveyor-General. 1886, c. 20, s. 11.

PROTECTION TO SURVEYORS.

WHEN LAND SURVEYORS MAY PASS OVER PRIVATE LANDS. Sec. 11. Any Provincial Land Surveyor when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township, range, or section line, or other Government line, and for such purposes may pass over the lands of any person whatsoever, doing no actul damage to the property of such person. 1886, c. 20, s. 12.

PENALTY FOR OBSTRUCTING LAND SURVEYORS IN THE EXECUTION OF SURVEYS. Sec. 12. If any person or persons, in any part of this Province, interrupts,

molests or hinders any Land Surveyor, while in the discharge of his duty as a Surveyor, such person or persons shall, upon conviction thereof before any Justice of the Peace, be punished either by fine or imprisonment, or both, in the discretion of such Court, such imprisonment being for a period not exceeding one month, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such Surveyor or any other party may have against such offender or offenders in damages by reason of such offence. 1886, c. 20, s. 13, 1887; c. 28, s. 2.

1897.—CHAPTER 21.—60 VICTORIA.

AN ACT FOR THE REMOVAL FROM CROWN LANDS OF PERSONS UNLAWFULLY THEREON.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

SHORT TITLE. Sec. 1. This Act may be cited as the "Crown Lands Trespassers' Act, 1897."

SUMMARY APPLICATION BY C. C. OF L. & W. TO REMOVE TRESPASSERS ON CROWN LANDS. Sec. 2. When any person is wrongfully or without lawful authority in possession of any public land and refuses to vacate or abandon possession of the same, the Chief Commissioner of Lands and Works, or any officer or agent of the Department of Lands and Works authorized by the Chief Commissioner for that purpose, may, upon affidavit of the facts, apply to the County Judge of the County, or any Stipendiary Magistrate of the District, in which the land lies, for a summons directed to such person calling upon him forthwith to vacate or abandon possession of the said land, or within ten days after service of said summons to show cause why an order for his removal should not be made, and if upon return of the summons it shall appear that he has not vacated or abandoned possession, or he shall not show good cause to the contrary, the Judge or Stipendiary Magistrate shall make an order for the summary removal of such person from such land and such order shall be executed by the Sheriff, or any Bailiff, or Constable, or other person to whom it shall be delivered.

SERVICE OF SUMMONS, &c. Sec. 3. It shall be sufficient service of the summons if a copy thereof be left with any grown up person found on the land and another copy be put up in some conspicuous place thereon, and where no grown up person is found on the land, if a copy be put in each of two such conspicuous places.

REMOVAL OF TRESPASSER BY OFFICER. Sec. 4. The officer to whom any warrant is addressed under the provisions of this Act shall forthwith remove the person named therein from Crown lands, and in the execution of the warrant, shall have all the powers, rights, immunities and privileges enjoyed by a sheriff or Constable or other peace officer in the execution of his duty.

PENALTY FOR REMAINING OR RETURNING. Sec. 5. Any person remaining upon Crown lands after having been ordered to leave the same, or returning thereto after having left in obedience to a summons, or after having been removed under warrant as aforesaid, shall, upon summary conviction thereof before a Stipendiary or Police Magistrate, or before any two or more Justices of the Peace, be liable to a fine of not less than twenty dollars or more than one hundred dollars and costs, and in default of payment of such fine and costs, to imprisonment for a term not exceeding three calendar months, but in case such person so convicted shall pay such fine and costs and continue in possession of such Crown lands, or shall return thereto after having served any term of imprisonment imposed in default of payment thereof, he shall upon summary conviction thereof as aforesaid be liable to a further fine of not less than twenty dollars or more than one hundred dollars and costs, and in default of payment of such further fine and costs, to imprisonment for a term not exceeding six calendar months, and he shall be similarly dealt with so long as he shall continue in possession after payment of any fine as aforesaid.

INTERFERING WITH OFFICER. Sec. 6. Any person resisting, obstructing or interfering with an officer executing a warrant or serving a summons issued under this Act, shall be liable to the same penalties as a person resisting, interfering with or obstructing a Sheriff or Constable or other peace officer in the execution of his duty.

ASSISTANCE TO OFFICER. Sec. 7. The officer executing a warrant or serving a summons issued under this Act may take with him all necessary assistance, and shall have the right to demand such assistance in the same manner as a Constable or other peace officer in the execution of his duty may lawfully do.

PART VII.

BRITISH COLUMBIA.

LANDS WITHIN FORTY MILE RAILWAY BELT BELONGING TO THE DOMINION OF CANADA.

PART 7.

BRITISH COLUMBIA.

DOMINION LANDS FORTY MILE RAILWAY BELT.

The public lands belonging to the Dominion of Canada within the Forty Mile Railway Belt in the Province of British Columbia were ceded to the Dominion by the Province as a donation toward the construction of the Canadian Pacific Railway.

The Dominion land law governing said Forty Mile Railway Belt is as follows:

DOMINION LANDS WITHIN THE FORTY MILE RAILWAY BELT IN THE PROVINCE OF BRITISH AMERICA.

REGULATIONS.

For the survey, administration, disposal and management of Dominion Lands within the Forty Mile Railway Belt, in the Province of British Columbia, approved by His Excellency the Governor-General in Council, on the 17th September, 1889, in force from and after 13th March, 1890. With additions and amendments provided by Orders in Council dated, respectively, the 13th November, 1890, the 12th December, 1891, the 21st March, 1892, and the 10th November, 1893, and 11th July, 1895.

INTERPRETATION.

Section 1. These regulations shall apply exclusively to the public lands of the Dominion, within what is known as the Railway Belt, in the Province of British Columbia, which lands shall be styled and known as Dominion Lands; and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context, that is to say:

(*a.*) The term Minister of the Interior means the Minister of the Interior of Canada.

(*b.*) The term Surveyor-General means the officer of the

Department of the Interior bearing that designation, or the chief clerk performing his duties for the time being.

(*c.*) The term Agent or Officer means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; and the term Local Agent means the Agent of Dominion lands employed as aforesaid, with respect to the lands in question; and the term Land Office means the office of any such agent.

(*d.*) The term Dominion Land Surveyor means a surveyor duly authorized under the provisions of the Dominion Lands Act to survey Dominion lands.

(*e.*) The term Crown Timber Agent means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer in respect to the timber on Dominion lands.

(*f.*) The term Canada Gazette means the official Gazette of the Government, published at Ottawa.

(*g.*) The term British Columbia Gazette means the official Gazette of the Government of British Columbia, published at Victoria.

DEPARTMENT OF THE INTERIOR.

Sec. 2. The Department of the Minister of the Interior shall be charged with the administration and management of the Dominion lands.

(*a.*) Under the authority of Chapter 56 of the Revised Statutes of Canada, intituled: "An Act respecting certain Public Lands in British Columbia," the powers and authorities of the Dominion Lands Board and of the officers thereof are hereby extended to the public lands of Canada in British Columbia.

(*b.*) The provisions of section 7, with the sub-section thereof, and sections 52, 53, 54, 55, 56, 57, 58, 78, 93 and 94 of Chapter 54 of the Revised Statutes of Canada, intituled: "The Dominion Lands Act," shall apply to the public lands of Canada in British Columbia.

SURVEYS.

Sec. 3. The Dominion lands in British Columbia shall be laid off, so far as practicable, in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, together with an allowance of twelve acres in each section for road purposes.

The sections shall be bounded and numbered as shown by the following diagram:

N.

31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1

W. E.

S.

Sec. 4. The lines bounding sections on the east and west sides shall be meridians; and those on the north and south sides shall be chords to parallels of latitude.

Sec. 5. Each section shall be divided into quarter-sections of one hundred and sixty acres, more or less, together with an allowance for roads of three acres in each, subject to the provisions hereinafter made.

Sec. 6. In the survey of a township, the deficiency or surplus resulting from convergence of meridians shall be divided equally between all the quarter-sections involved, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter-sections adjoining, and north or south respectively of the said correction lines; excepting in the case of the north and south closings in those townships between the first correction line and the International Boundary or first base line, which error is to

be left in the last quarter-section adjoining the said first base line.

Sec. 7. The dimensions and areas of irregular quarter-sections shall in all cases be returned by the surveyor at their actual measurements and contents.

Sec. 8. To facilitate the description for letters patent of less than a quarter-section, every section shall be supposed to be divided into quarter-quarter-sections, of forty and three-quarters acres, and such quarter-quarter-sections shall be numbered as shown in the following diagram, which is intended to show such subdivisions of a section, which shall be styled legal subdivisions:—

N.

13	14	15	16
12	11	10	9
5	6	7	8
4	3	2	1

W. E.

S.

The area of any legal subdivision, as above set forth, shall, in letters patent, be held to be more or less, and shall in each case be represented by the exact quantity as given to such subdivision in the original survey.

Sec. 9. The Governor in Council may order the survey by a Dominion Land Surveyor of such public highways as he may deem expedient, through any lands subject to these regulations:

(a.) On the approval of the survey of a public highway the fact shall be notified to the Lieutenant-Governor of British Columbia, by the Minister of the Interior, and by virtue of such notification, such public highway shall become the property of the said Province, the legal title thereto remaining in the Crown for the public use of the Province; but no such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor-General in Council:

(b.) The Governor in Council may authorize any person to

locate and build public highways, or to build public highways located in accordance with the provisions of this section (9) of these regulations:

(c.) In the meantime, and until any such road shall have been located and constructed, a convenient right of way not exceeding sixty-six feet in width over any such land is hereby reserved for the use and convenience of settlers and land-holders in passing, from time to time, to and from their locations or lands, to and from any now existing road or trail: Provided always, that such settler or land-owner making use of the aforesaid privilege shall not damage the fences or crops of the occupier of any such located, sold, or leased land:

(d.) Every patent issued for lands subject to these regulations shall contain a provision reserving to the Governor in Council the power to order the survey through such lands by a Dominion Land Surveyor of such public highways as he may deem expedient, and for that purpose to take any existing road, and any requisite area of land, whether the area of the roads and lands so taken be or be not in excess of the allowance for roads in any section, quarter-section or legal subdivision; also to enter upon such lands and take therefrom any gravel, stone, timber, or other material required for the construction of such highway, or any bridge connected therewith; and also to enter upon any such land for the purpose of cutting any drains necessary for the building of such highway.

ORDINARY SALE OF LANDS.

Sec. 10. Dominion lands, as the surveys thereof are duly made and confirmed, shall, except as otherwise hereinafter provided, be open for homesteading and purchase at such prices and on such terms and conditions as may be fixed from time to time by the Governor in Council: Provided, that no purchase shall be permitted at a less price than five dollars per acre: Provided also, that, except in special cases where otherwise ordered by the Governor in Council, no sale to one person shall exceed a section, or six hundred and forty acres:

(a.) And provided also, that, whenever so ordered by the Minister, such unoccupied lands as may be deemed by him expedient, from time to time, may be withdrawn from ordinary sale and settlement, and sold at public auction or tender to

the highest bidder—an upset price being fixed for the same:

(b.) Provided further, that any legal subdivision or other portion of Dominion lands which may be deemed by the Minister of the Interior of special value, may be reserved from ordinary sale and be disposed of in such manner and on such terms and conditions as may be fixed by the Governor in Council on the report of the Minister of the Interior.

TOWN PLOTS, &c.

Sec. 11. The Minister of the Interior shall have power to withdraw from sale or homestead entry any tract or tracts of land, and to lay the same out into town or village lots, the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction or tender, an upset price being fixed for the same.

The Governor in Council may set apart and appropriate such Dominion lands as he may deem expedient for the sites of market places, jails, court-houses, places of public worship, burying-grounds, schools, benevolent institutions, squares, and for other like public purposes, and at any time before the issue of letters patent therefor may alter or revoke such appropriation, as he deems expedient; and he may make free grants for the purposes aforesaid of the lands so appropriated—the trusts and uses to which they are to be subject being expressed in the letters patent.

Sec. 12*. The provisions of sections numbered 13 to 29 of these regulations, both inclusive, shall not apply to any lands settled upon after the first day of January, one thousand eight hundred and ninety-one, excepting the agricultural lands in the Kamloops Land Agency, as provided by Order in Council of 21st March, 1892, in force from and after the 3rd June, 1892, being the lands in the Railway Belt in British Columbia, situated north of the line between Townships 15 and 16 and east of the 7th meridian of the Dominion lands system of survey.

HOMESTEAD RIGHTS.

Sec. 13. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen

*Sec. 12 amended on 11 July, 1895, to permit entries in the whole belt as before 1891.

years, who has not heretofore had a homestead on Dominion lands in British Columbia, Manitoba or the Northwest Territories, or does not hold or own by pre-emption record or otherwise, under the laws of the Province of British Columbia, more than one hundred and sixty acres of land within the railway belt in the said Province, shall, on making application in the form A in the schedule to these regulations, be entitled to obtain homestead entry for any quantity of land not exceeding one-quarter section, and being of the class of land open under the provisions of these regulations to homestead entry.

(a.) The entry for a homestead shall entitle the recipient to take, occupy and cultivate the land entered for, and hold possession of the same to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed on the said land, the same as if a patent therefor had issued in his favor; the title to the land shall remain in the Crown until the issue of the patent therefor, and the said land shall not be liable to be taken in execution before the issue of the patent.

(b.) The privilege of homestead entry shall only apply to surveyed agricultural lands; no person shall be entitled to such entry for land valuable for its timber, or for hay land, or for land on which there is a stone or marble quarry, or coal or other mineral having commercial value, or whereon there is any water power which may serve to drive machinery, or for land which, by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station, it will be in the public interest to withhold from such entry.

HOMESTEAD ENTRIES AND SALES AFFECTING TIMBERED LANDS.

Sec: 14. All merchantable timber growing or being upon any land entered or sold within the limits of Dominion lands in British Columbia, and all gold, silver, copper, lead, iron, petroleum, coal or other mines or minerals, shall be considered as reserved from the said land, and shall be the property of Her Majesty; except that the homesteader or purchaser, or those claiming under him, may cut and use such merchantable timber as may be necessary for the purpose of building,

fencing or road-making, on the land so entered or sold, and may also, under the authority of the Crown Timber Agent, cut and dispose of all timber required to be removed in the actual clearing of the said land for cultivation; but no merchantable timber (except for the necessary building, fencing or road-making as aforesaid) shall be cut beyond the limit of such actual clearing; and all mercantile timber cut in the process of clearing, and disposed of, shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber.

Sec. 15. The patents for all lands, hereafter entered or sold as aforesaid, shall contain a reservation of all merchantable timber growing or being on the said lands, which merchantable timber shall continue to be the property of Her Majesty; and any person or persons now or hereafter holding a license to cut timber on such land may, at all times during the continuance of such license, enter upon the uncleared portion of such lands, and cut and remove such timber, and make all necessary roads or water-ways for that purpose, and for the purpose of hauling in supplies, doing no unnecessary damage thereby; but the patentees or those claiming under them may cut and use such timber as may be necessary for the purpose of building, fencing or road-making on the lands so patented, and may also, under the authority of the Crown Timber Agent, cut and dispose of such timber required to be removed in actually clearing the said land for cultivation, but no merchantable timber (except for the necessary building, fencing or road-making as aforesaid) shall be cut beyond the limit of such actual clearing; and all merchantable timber so cut and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber.

Sec. 16. Holders of timber licenses, their servants and agents shall have the right to haul their timber over the uncleared portion of any land entered as a homestead or purchased as hereinbefore provided, and to make such roads or water-ways thereon as may be necessary for that purpose, doing no unnecessary damage, and to use all slides, portages, roads, water-ways, or other works previously constructed or existing on any land so entered, sold or leased, and the right of access to, and free use of all streams and lakes heretofore used, or that may be necessary for the passage of timber; and all land necessary for such work is hereby reserved.

Sec. 17. All merchantable timber growing or being upon any land hereafter entered as a homestead or sold under these regulations shall be subject to any timber license in force at the time of such entry or sale, and may, at any time during the currency of any such license, or of any license which may be subsequently issued, be cut and removed under the authority thereof.

Sec. 18. Whenever the survey of any township has been finally confirmed and such township opened for homestead entry, any person who has bona fide settled and made improvements before such confirmed survey on land in such township, shall have a prior right to obtain homestead entry for the land so settled on, provided such right be exercised within three months after the land is opened for settlement; and provided that such land has not been reserved or the right to homestead entry is not excepted under the provisions of these regulations; no homestead entry shall be granted to any person in respect of such land until three months after notice in writing shall have been given by the local agent to such bona fide settler that such land is open for settlement.

Sec. 19. Every person applying for homestead entry shall appear and make affidavit before the local agent or, in his absence, the senior clerk performing his duties, according to the form B, C, or D, in the Schedule to these regulations, as the circumstances require; and upon filing such affidavit with the said local agent or senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the said local agent or senior clerk according to the Form J in the Schedule to these regulations; and such receipt shall be a certificate of entry, and shall be authority to the person obtaining it to take possession of the land described in it.

(a.) The Minister of the Interior or the Dominion Lands Board, upon requisition may authorize any person named therein to make a homestead entry on behalf of any person signing such requisition and desiring to obtain such entry.

(b.) The person so authorized shall, in order to obtain such entry, make application in the Form E in the Schedule to these regulations, on behalf of each of those whom he represents, and shall make an affidavit before the local agent, or, in his absence, the senior clerk performing his duties, accord-

ing to Form F, G, or H, in the Schedule to these regulations, as the circumstances of the case may require, and shall pay for each homestead entry the office fee of ten dollars hereinbefore prescribed for such entry, and shall receive for each fee so paid a receipt in the Form J in the Schedule hereto.

(c.) Persons occupying land owned by them may obtain homestead entry for any contiguous land open to the same; but the whole extent of land, including that previously owned and occupied, must not exceed one quarter-section.

(d.) A person applying for such entry for contiguous land must, when making the affidavit prescribed for homestead entry, also describe therein the tract he owns and lives upon; and his residence upon and cultivation of the whole shall thereafter be of the kind and for the term required by the provisions of these regulations in the case of ordinary homestead entry before he shall be entitled to patent for the part so entered for: Provided, that such residence and cultivation may be upon either the land originally occupied by him or that for which homestead entry has been obtained, or both.

Sec. 20. In case a dispute arises between persons claiming the right to homestead entry for the same land the local agent or senior clerk, or any person thereto authorized by the Minister of the Interior, shall make investigation and obtain evidence respecting the facts, and this report thereon, together with the evidence taken, shall be referred to the Minister of the Interior for decision, or to the Dominion Lands Board, Commissioner of Dominion Lands, or such person as may be appointed by the Governor in Council to consider and decide in cases of such disputes.

(a.) Provided that when two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereon and has continued to reside upon and cultivate the land for which homestead entry is sought shall be entitled to such entry if the land be of the class open to homestead entry, and if it be not, in the opinion of the Minister of the Interior, otherwise inexpedient in the public interest to entertain any application therefor.

(b.) Provided, further, that where contending parties have valuable improvements on the lands in dispute the Minister of the Interior, if the application to acquire the land by homestead entry is entertained by him, may order a division thereof

in such a manner as shall preserve to each of them, as far as practicable, his improvements; and the Minister may, at his discretion, direct that what the land so allotted to each of them may be deficient of a quarter-section shall be made up from unoccupied land adjoining, if there be any such of the class open to homestead entry.

Sec. 21. Any person who has obtained a homestead entry shall be allowed a period of six months from its date within which to perfect the entry, by taking in his own person possession of the land and beginning continuous residence thereon and cultivation thereof; and if the entry be not perfected within that period it shall be void, and the land shall be open to entry by another person, or to other disposition under these regulations by the Minister of the Interior.

Provided further, that in the case of immigrants from elsewhere than the North American Continent, the Governor in Council may extend the time for the perfecting of entry to twelve months from the date thereof.

Sec. 22. (a.) At the expiration of three years from the date of his perfecting his homestead entry, the settler, or in case of his death, his legal representatives, upon proving to the satisfaction of the local agent that he, or they, or some of them, have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land; provided such proof is accepted by the Commissioner of Dominion Lands, or in his absence by a member of the Land Board, and on payment of one dollar per acre for the land; provided also, that the patent therefor shall not issue to any person not then a subject of Her Majesty by birth or naturalization.

(b.) Provided, that in case of a settler who may have obtained homestead entry for land occupied by him previous to survey thereof, in manner hereinbefore mentioned, residence upon and cultivation of the land for three years next preceding the application for patent shall, for the purpose of the issue of patent, be held to be equivalent to that prescribed in the foregoing sub-clause of this section, if such residence and cultivation be otherwise in conformity with the provisions of these regulations.

Sec. 23. Any person proving that he has resided on the land for which he has homestead entry for twelve months from

the date of his perfecting his entry therefor, and that he has brought under cultivation at least thirty acres thereof, may, before the expiration of the three years defined in sub-section (b) of Section 22, obtain a patent by paying two dollars and fifty cents per acre for the land.

Sec. 24. Any person claiming a patent under a homestead entry shall also be entitled thereto upon making payment therefor at the rate of one dollar per acre and proving to the satisfaction of the Commissioner of Dominion Lands or the Dominion Lands Board:—

(a.) That he perfected his homestead entry by commencing the cultivation of the homestead within six months from the date of his homestead entry.

(b.) That within the first year after the date of his homestead entry he broke and prepared for crop not less than five acres of his homestead quarter-section; or if the land affected by his homestead entry be timber land, then in lieu of breaking and preparing for crop five acres he may substitute therefor the clearing and fencing of three acres.

(c.) That within the second year he cropped the said five acres, and broke and prepared for crop not less than ten acres in addition, making not less than fifteen acres in all; or if the land affected by his homestead entry be timber land, in lieu of cropping five acres and breaking and preparing for crop ten acres additional, he may substitute therefor cropping the three acres broken the previous year and clearing and fencing five acres in addition, making in all eight acres cleared and fenced, three of which shall also be cropped.

(d.) That he has erected a habitable house upon his homestead before the expiration of the second year after his homestead entry, and has bona fide resided therein and has cultivated the land for three years next prior to the date of his application for his patent.

(e.) That at the commencement of the third year after the date of his homestead entry, or previously, he commenced the residence on his homestead required by the next preceding paragraph of this section.

(f.) Proof of the residence and improvements required by this section and the two sections which immediately precede it shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested wit-

nesses, resident in the vicinity of the land affected by their evidence, and accepted as sufficient by the Commissioner of Dominion Lands, or, in his absence, by a member of the Land Board; such affidavit shall be sworn, and such testimony given before the local agent, or, in his absence, the senior clerk performing his duties, or some other purpose named for that purpose by the Minister of the Interior.

Sec. 25. Every person who has obtained a homestead entry and who proposes to apply for a patent for such homestead, shall give six months' notice in writing to the agent of Dominion Lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application that such notice has been duly given.

Sec. 26. (a.) In case it is proved to the satisfaction of the Minister of the Interior that a settler has not resided upon and cultivated his homestead, except as herein provided, for at least six months in any one year, or has failed to cultivate and crop the said land during the first two years after obtaining entry therefor, or to erect a habitable house before the expiration of the second year after such entry, and to bona fide reside therein and cultivate the land for three years next prior to the date of his application for patent, or has made any false statement in the affidavit in support of his application for entry, or if he fails, within the time provided for in these regulations to apply for patent for his homestead, and to pay for the said homestead the price specified in these regulations, the right to the land shall be forfeited and the entry therefor shall be canceled, and the settler so forfeiting his entry shall not be eligible to obtain another entry, except in special cases, in the discretion of the Minister of the Interior.

(b.) Provided, that in any case of illness, vouched for by sufficient evidence, or in the case of immigrants requiring to return to their native land to bring out their families to their homesteads, or in other special cases, the Minister of the Interior may, in his discretion, grant an extension of time, during which a settler may be absent from his homestead without prejudice to his right therein; but the extension of time so granted shall not count as residence.

Sec. 27. A homestead, the entry of which has been canceled, may, at the discretion of the Minister, be held for homestead entry by another person, on such terms and condi-

tions as the Minister of the Interior may prescribe, or for sale of the land with the improvements, if any, or of the improvements alone in connection with homestead entry thereof, to another person.

Sec. 28. Any assignment or transfer of homestead right or any part thereof, and any agreement to assign or transfer any homestead right or any part thereof after patent shall have been obtained, made or entered into before the issue of the patent, shall be null and void; and the person so assigning or transfering or making an agreement to assign or transfer shall forfeit his homestead rights and shall not be permitted to make another homestead entry: Provided, that a person whose homestead may have been recommended for patent by the local agent or senior clerk, and who has received from such agent or clerk a certificate to that effect in the Form K, in the Schedule to these regulations, countersigned by the Commissioner of Dominion Lands, or in his absence by any member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein.

FRUIT CULTURE.

Sec. 29. Any person eligible under these regulations to obtain a homestead entry may, for fruit-growing purposes, upon payment of a fee of ten dollars, and upon making application therefor to the local agent in the Form L in the Schedule hereto, obtain entry for any area not in excess of one quarter-section of Dominion lands of the class open for homestead entry under these regulations, upon the following terms and conditions:—

(a.) For each legal subdivision included in the land entered the applicant shall, during the first year after the date of entry, clear at least four acres and plant the same in fruit trees, bushes, plants or vines, to the number prescribed in these regulations.

(b.) During the second year he shall clear and plant three acres additional, and any trees, plants or vines planted the preceding year which may have died shall be replaced.

(c.) During the third year he shall clear three acres additional, planting the same as in the first and second years, and

replacing any trees, shrubs, plants or vines planted during the first and second years which may have died.

(d.) At the end of the third year he shall have ten acres cleared and planted, with fruit trees, bushes or vines.

(e.) Provided, that the clearing and planting herein provided for may be made upon any portion of the land entered for.

(f.) The fruit trees, bushes or vines to be planted by the applicant, as herein provided, shall be in the proportion set forth in the following table, according to the variety or varieties planted:—

Kind.	Distance Apart.	No. per Acre.
Apple trees, standards.....	33 feet	40
Pear.....	20 feet	110
Peach.....	15 feet	200
Plum.....	15 feet	200
Cherry.....	20 feet	110
Currant bushes.....	4 feet x 6 feet	1,815
Gooseberry bushes....	4 feet x 6 feet	1,815
Grapes.....	10 feet x 12 feet	364
Raspberries.....	3 feet x 6 feet	2,425
Strawberries.....	1 feet x 4 feet	10,900

(g.) At the expiration of five years from the date of his entry, the applicant, or in case of his death his legal representative, upon proving to the satisfaction of the local agent, or in his absence the senior clerk performing his duties, that there are then growing upon the land and in healthy condition the number of trees, bushes, plants or vines, as the case may be, prescribed by these regulations, shall be entitled to a patent for the land upon payment therefor at the rate of one dollar per acre, provided such proof is accepted by the Commissioner of Dominion Lands, or in his absence by a member of the Land Board; but such patent shall not issue to any person who is not a subject of Her Majesty by birth or naturalization.

(h.) If any person having an entry for land for purposes of fruit culture fails to comply with any of the conditions in respect thereof prescribed by these regulations, his entry therefor shall be forfeited and canceled; and he shall have no claim

to the land whatever, except in special cases, in the discretion of the Minister of the Interior.

GRAZING LANDS.

Sec. 30. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons, for such term of years and at such rent in each case as may be deemed expedient; and every such lease shall contain a condition by which the Governor in Council may authorize the Minister of the Interior, at any time during the term of the lease, to give the lessee notice of cancellation thereof, and at the end of two years from the service of such notice such lease shall cease and determine.

MINING AND MINING LANDS.

Sec. 31. Lands containing coal or other minerals, whether in surveyed or unsurveyed territory, may be disposed of in such manner and on such terms and conditions as may, from time to time, be fixed by the Governor in Council by regulations to be made in that behalf.

Sec. 32. It is hereby declared that no grant from the Crown of lands in freehold, or for any less estate, has operated or will operate as a conveyance of the minerals therein, unless the same are expressly conveyed in such grant.

DITCHES.

Sec. 33. The provisions of "The Dominion Mining Regulations" having reference to the diversion and use of the water from any stream or lake, and the rights of way necessary for the construction of flumes and ditches to convey such water, shall apply to the diversion and use of the water from any stream or lake, and the rights of way necessary to the conveyance thereof in respect of the irrigation of agricultural lands: Provided, however, that the forms M, N, and O, in the Schedule to these regulations, shall be used.

TIMBER SLIDES, &c.

Sec. 34. No sale or grant of any Dominion lands shall give

or convey any right or title to any slide, dam, water-way, pier or boom, or other work previously constructed on such land, or any stream passing through or along it, for the purpose of facilitating the descent of timber or saw-logs, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant that such slide, dam, water-way, pier or boom, or other work, is intended to be thereby sold or granted.

The free use of any slide, dam, water-way, pier, boom or other work on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping the same in repair, shall not in any way be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequent to the construction of any such work.

Sec. 35. The free use for the floating of saw-logs or other timber, of any stream or lake, that may be necessary for the descent thereof from Dominion lands and the right of access to such stream or lake, and of passing and re-passing on or along the land on either side, and wherever necessary for such use thereof, and over any existing or necessary portage road past any rapid or fall, or connecting such stream or lake, and over such road as, owing to natural obstacles, may be necessary for taking out timber from Dominion lands, and the right of constructing any slide or water-way where necessary, shall continue uninterrupted, and shall not be affected or obstructed by or in virtue of any sale or grant of such lands.

ASSIGNMENTS.

Sec. 36. The Minister of the Interior shall cause to be kept in his Department books for registering, at the option of the parties interested, assignments of any right to Dominion lands which is assignable under these regulations, upon proof to his satisfaction that such assignment is in conformity with these regulations; and every assignment so registered shall be valid against any other assignment unregistered or subsequently registered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed or dispensed with by the Minister of the Interior before the assignment is registered.

TOWNSHIP PLANS AND PATENT LISTS.

Sec. 37. The Minister of the Interior shall transmit to the Registrar-General of British Columbia, or his deputy or deputies, as early as possible in each year, a certified copy of the map of each township in such district or division, surveyed in the year next preceding, together with a certified list of the lands in such district or division patented in such year.

GENERAL PROVISIONS RELATING TO THE RAILWAY BELT IN BRITISH COLUMBIA.

Sec. 38. The following powers are hereby delegated to the Governor in Council, to be exercised from time to time by special Orders in Council, upon the recommendation of the Minister of the Interior:—

(a.) To withdraw from the operation of these regulations, subject to existing rights as defined or created under the same, such lands as have been or may be reserved for Indians.

(b.) To encourage works undertaken, with a view of draining and reclaiming swamp lands, by granting to the promoters of such works remuneration in the way of grants of the lands so reclaimed, or of such portions thereof, or any other land, as may be deemed fair and reasonable.

(c.) To make such orders as may be deemed necessary, from time to time, to carry out the provisions of these regulations, according to their true intent, or to meet any cases which may arise and for which no provision is made in these regulations; and further, to make and declare any regulations which may be considered necessary to give the provisions in this clause contained full effect; and from time to time alter or revoke any order or orders, or any regulations made in respect of the said provisions, and make others in their stead.

(d.) Every order or regulation made by the Governor in Council, in virtue of the provisions of this section, or of any other section of these regulations, shall, unless otherwise specially provided in these regulations, have force and effect only after the same has been published for four successive weeks in the Canada Gazette and British Columbia Gazette; and all such orders or regulations shall be laid before both Houses

may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that I became resident upon and began to cultivate the said land on the day of , 18 , before the same was surveyed; that I have resided upon and cultivated the said land continuously ever since; that there is no other person residing or having improvements upon it, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands, nor do I own more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this
day of 18 .
before me

(Signature.)

Local Agent.

FORM C.

Affidavit in support of a claim for homestead entry by a person who has not previously obtained homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery; nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon, and that this application is made for my exclusive use and benefit, with the intention of residing upon

and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that I have not heretofore obtained a homestead on Dominion lands, nor do I hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this day of 18 , before me

(Signature.)

Local Agent.

FORM D.

Affidavit in support of a claim for homestead entry by a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon; that I obtained homestead entry on the day of 18 , for the quarter-section of section , township , range , of the meridian, but forfeited the same; that by order of the Minister of the Interior, which I now produce, I have been permitted to make application for and to receive another homestead entry; that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the land applied for, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever, and that I

have not heretofore obtained a homestead on Dominion lands except as herein stated, nor do I hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this day of 18 , before me

(Signature.)

Local Agent.

FORM E.

Application for Homestead Entry by an Agent.

I, A. B., do hereby apply on behalf of of , for homestead entry under the provisions of the Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, as approved by Order in Council of the 17th September, 1889, for the quarter-section of section number of the township, in the range of the meridian.

FORM F.

Affidavit by an Agent in support of a claim for homestead entry on behalf of a person who has bona fide settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (or affirm, as the case may be) that for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that the said became resident upon and began to cultivate the said land on the day of 18 , before the same was surveyed; that he has resided upon and cultivated the said land in conformity with the requirements of the Home-

stead provisions of the Dominion lands regulations in British Columbia ever since; that there is no other person residing on, or claiming, or having improvements upon it, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands, nor does he hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this day of 18 , before me

(Signature.)

Local Agent.

FORM G.

Affidavit by an Agent in support of a claim for homestead entry on behalf of a person who has not previously obtained homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that , of , for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing upon the said land, nor are there any improvements thereon, and that this application is made for the exclusive use or benefit of the said , with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands,

nor does he hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this day of 18 , before me

(Signature.)

Local Agent.

FORM H.

Affidavit by an Agent in support of a claim for homestead entry on behalf of a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that , for whom I am acting herein as agent, is over eighteen years of age, and to the best of my knowledge and belief the land in respect of which application is made is surveyed agricultural land; it is not chiefly valuable for its timber or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon; that he obtained homestead entry on the day of 18 , for the quarter-section of section township range of the meridian, but forfeited the same; that by an order of the Minister of the Interior, which I now produce, he has been permitted to make application for and receive another homestead entry, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the land applied for, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained a homestead

on Dominion lands except as herein stated, nor does he hold or own, by pre-emption record or otherwise under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this day of 18 , before me

(Signature.)

Local Agent.

FORM J.

Receipt and Certificate of Entry.

I certify that I have received from the sum of ten dollars, being the office fee for homestead entry for (describe the land), and that the said is, in consequence of such entry and payment, vested with the rights conferred in such cases by the provisions of the regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, as approved by Order in Council of the 17th September, 1889, respecting homestead rights.

Local Agent.

(Place—Date).

FORM K.

Certificate of Recommendation for Patent.

I certify that , who is the holder of a homestead entry for (describe the land), has complied with the provisions of the law required to be conformed to in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

Local Agent.

(Place—Date).

Countersigned:

Commissioner of Dominion Lands.

FORM L.

Application for Fruit-culture Entry.

, 18 .

I, A. B., do hereby apply for entry under the regulations for the disposal of Dominion lands for fruit-culture within the Rail-

nor does he hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this day of 18 , before me

(Signature.)

Local Agent.

FORM H.

Affidavit by an Agent in support of a claim for homestead entry on behalf of a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that , for whom I am acting herein as agent, is over eighteen years of age, and to the best of my knowledge and belief the land in respect of which application is made is surveyed agricultural land; it is not chiefly valuable for its timber or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon; that he obtained homestead entry on the day of 18 , for the quarter-section of section township range of the meridian, but forfeited the same; that by an order of the Minister of the Interior, which I now produce, he has been permitted to make application for and receive another homestead entry, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the land applied for, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained a homestead

on Dominion lands except as herein stated, nor does he hold or own, by pre-emption record or otherwise under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this day of 18 , before me

(Signature.)

Local Agent.

FORM J.

Receipt and Certificate of Entry.

I certify that I have received from the sum of ten dollars, being the office fee for homestead entry for (describe the land), and that the said is, in consequence of such entry and payment, vested with the rights conferred in such cases by the provisions of the regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, as approved by Order in Council of the 17th September, 1889, respecting homestead rights.

Local Agent.

(Place—Date).

FORM K.

Certificate of Recommendation for Patent.

I certify that , who is the holder of a homestead entry for (describe the land), has complied with the provisions of the law required to be conformed to in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

Local Agent.

(Place—Date).

Countersigned:

Commissioner of Dominion Lands.

FORM L.

Application for Fruit-culture Entry.

, 18 .

I, A. B., do hereby apply for entry under the regulations for the disposal of Dominion lands for fruit-culture within the Rail-

way Belt in the Province of British Columbia, as approved by Order in Council of the 17th day of September, 1889, for legal sub-division , of section , of the township, in the range west of the meridian.

And I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which this application is made is of the class open for homestead entry; that there is no person residing upon the said land, nor are there any improvements thereon, and that I have not heretofore obtained a fruit-culture or other entry for Dominion lands.

Sworn before me, this day of A. D. 18 ,

(Signature.)

Local Agent.

FORM M.

Notice of Application for Right to Divert Water.

Notice is hereby given, in pursuance of the provisions of the Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, that I, of , at the expiration of 20 days from the date hereof, intend to apply to the local agent of Dominion lands at , in the Province of British Columbia, for authority to take, carry away and divert to my (farm or mining claim) from its natural channel inches of the unentered and unappropriated water of the (stream or lake) known as for purposes during the term of years from the date of record, with the object of (irrigating or sluicing) my said (farm or mining claim); such diversion will be made at a point situated on the (north, east, south, or west, end or side) of the said (stream or lake) marked on the ground by a conspicuous post, and it is intended that such water shall be carried in and through a (ditch or flume, or both) in a direction over the lands of , as indicated by like posts planted, where practicable, every quarter of a mile along the proposed line of the (ditch or flume, or both).

(Signature.)

Dated this day of , 18 , at

FORM N.

Affidavit in support of Application for Right to Divert Water.

Province of British Columbia,
To Wit:

I, of , make oath and say:—

1st. That the document hereunto annexed and marked with the letter "A" is a true copy of a notice given by me , in pursuance of the provisions of the regulations for the disposal of the Dominion lands within the Railway Belt in the Province of British Columbia, and posted up by me on the day of the date thereof at the point of diversion therein named.

2nd. That on the day of , A. D. 18 , I also posted up a like copy of such notice in a conspicuous place on the lands of each of the following persons, viz.:

3rd. That the lands of the said several persons named in the last above paragraph, and of no others, will be affected by the proposed diversion in the said notice mentioned.

4th. That I am lawfully entitled to hold land under the said regulations, and I am lawfully occupying (and bona fide cultivating or working, as the case may be) the (land or mineral claim) to which the said water is intended to be diverted.

5th. That I have planted posts in accordance with the terms of, and along the proposed line of , as indicated in the said notice, and I believe that I have performed all conditions precedent necessary to entitle me to a record of the water privilege in the notice mentioned or referred to.

Sworn before me, this day of , A. D. 18 , at in the said Province.

(Signature.)

Local Agent.

FORM O.

Grant of the Right to Divert Water.

To all whom it may concern—Greeting:

Know ye, that , of , having complied with the provisions of the Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, as appears by affidavit of himself, with notice annexed filed with the undersigned on the

day of , 18 , is hereby authorized to divert for his own use, for a period of years from the date hereof, inches of unrecorded and unappropriated water of , or so much of that quantity as may be lawfully diverted and used by him under and in accordance with the provisions of the said regulations, and the said is entitled to all the rights conferred by the said regulations upon the recorded owner of a water privilege.

Given the day of 18 , at in the Province of British Columbia.

Local Agent.

FORM P.

Subpoena.

To

Greeting:

You are hereby commanded that all things set aside and ceasing every excuse, you be and appear in your proper person before me, the undersigned, at on the day of 18 , by o'clock in the noon, and so on from day to day, to be then and there examined upon oath touching your knowledge of

And you are to bring with you and produce all papers and writings in your custody, power or control, in any wise relating to the said matters; and take notice that if you neglect or refuse to appear at the time or place aforesaid you will be liable to be taken into custody and to be imprisoned in the nearest common jail, as for contempt of court, for a period not exceeding fourteen days.

Given under my hand and seal, this day of 18 , at

(Signature of Officer.)

(L. S.)

PART VIII.

BRITISH COLUMBIA.

MINING LAWS, GOLD, SILVER AND COAL.

PART 8.

MINING LAWS OF BRITISH COLUMBIA.

AN ACT RELATING TO GOLD AND OTHER MINERALS EXCEPTING COAL.*

1896, c. 34. As amended in 1897, c. 28.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

SHORT TITLE. Sec. 1. This Act may be cited as the "Mineral Act, 1896."

INTERPRETATION. Sec. 2. In the construction of this Act the following expressions shall have the following meanings respectively, unless inconsistent with the context:

"Mine" shall mean any land in which any vein or lode, or rock in place, shall be mined for gold or other minerals, precious or base, except coal:

"Mineral" shall mean all valuable deposits of gold, silver, platinum, iridium, or any of the platinum group of metals, mercury, lead, copper, iron, tin, zinc, nickel, aluminum, antimony, arsenic, barium, bismuth, boron, bromine, cadmium, chromium, cobalt, iodine, magnesium, manganese, molybdenum, phosphorus, plumbago, potassium, sodium, strontium, sulphur (or any combination of the aforementioned elements with themselves or with any other other elements), asbestos, emery, mica, and mineral pigments.

Limestone, marble, clay, or any building stone when mined for building purposes shall not be considered as mineral within the meaning of this Act.

"Rock in place" shall mean all rock in place bearing valuable deposits of mineral within the meaning of this Act.

"Vein," or "lode." Whenever either of these terms is used in this Act, "rock in place" shall be deemed to be included.

*Coal lands, see page 472.

"Mineral claim" shall mean the personal right of property or interest in any mine.

"Mining property" shall include every mineral claim, ditch, mill site, or water right used for mining purposes, and all other things belonging to a mine or used in the working thereof.

"Legal post" shall mean a stake standing not less than four feet above the ground, and squared or faced on four sides for at least one foot from the top, and each side so squared or faced shall measure at least four inches on its face so far as squared or faced, and any stump or tree cut off and squared or faced to the above height and size.

"Mill site" shall mean a plot of ground located, as defined by this Act, for the purpose of erecting thereon any machinery or other works for transporting, crushing, reducing, or sampling ores, or for the transmission of power for working mines.

"Streams" shall include all natural watercourses, whether usually containing water or not, and all rivers, creeks, and gulches.

"Ditch" shall include a flume, pipe, or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

"Ditch-head" shall mean the point in a natural watercourse or lake, or other source, where water is first taken into a ditch.

"Free miner" shall mean a person or joint stock company, or foreign company, named in and lawfully possessed of a valid existing free miner's certificate, and no other.

"Record," "register," and "registration," shall have the same meaning, and shall mean an entry in some official book kept for that purpose.

"Full interest" shall mean any mineral claim of the full size, or one of several shares into which a mineral claim shall be equally divided.

"Cause" shall include any suit or action.

"Judgment" shall include "order" or "decree."

"Real estate" shall mean any mineral land in fee simple under this or any Act relating to gold mines, or to minerals other than coal.

"Joint stock company" shall mean any company for mining purposes.

(a.) Incorporated under the "Companies' Act, 1897," or any Act repealed thereby; or

(b.) Registered as a foreign company under any Act repealed by the "Companies' Act, 1897;" or

(c.) Licensed or registered as an extra-Provincial company under the "Companies' Act, 1897;" or

(d.) Incorporated by any special Act.

1897, c. 28, s. 2.

I.

FREE MINERS AND THEIR PRIVILEGES.

WHO MAY BE A FREE MINER. Sec. 3. Every person over, but not under, eighteen years of age, and every joint stock company, shall be entitled to all the rights and privileges of a free miner, and shall be considered a free miner upon taking out a free miner's certificate. A minor who shall become a free miner shall, as regards his mining property and liabilities contracted in connection therewith, be treated as of full age. A free miner's certificate issued to a joint stock company shall be issued in its corporate name. A free miner's certificate shall not be transferable.

LICENSES TO COMPANIES. Sec. 3a. Notwithstanding anything to the contrary in section 4 of the "Mineral Act, 1896," or section 4 of the "Placer Mining Act, 1891," or elsewhere in the said Acts or other the mining laws of the Province, no free miner's certificate shall be issued to a joint stock company for a longer period than one year, and such certificate shall date from the 30th day of June in each year; and every free miner's certificate held by a joint stock company at the passing of this Act shall be valid and existing until and shall expire on the 30th day of June, 1897. Upon applying to renew any such certificate on or before said 30th day of June, the joint stock company shall be entitled to a rebate of a proportionate amount of the fee paid for a certificate heretofore issued according to the further time for which it would, but for this section, have been valid. 1897, c. 2, s. 161.

DURATION OF CERTIFICATE. Sec. 4. A free miner's certificate may be granted for one or more years, to run from the date thereof, or from the expiration of the applicant's then existing certificate, upon the payment therefor of the fees set out in the Schedule of Fees to this Act. Only one person or one joint stock company shall be named therein.

FORM OF CERTIFICATE. Sec. 5. A free miner's certificate shall be in the following form:

British Columbia.—Free Miner's Certificate.—Not transferable.

Date,..... Valid for.....year...only. No.....

This is to certify that....., of ....., has paid me this day the sum of ....., and is entitled to all the rights and privileges of a free miner for ..... year... from the ..... day of ....., 18....

.....

(Signature of Gold Commissioner or Mining Recorder, as the case may be.)

APPLICATION IN ABSENCE OF RECORDER. Sec. 6. If any person or joint stock company, shall apply for a free miner's certificate at the Mining Recorder's office during his absence and shall leave the fee required by this Act, with the officer or other person in charge of the said office, he or it shall be entitled to have such certificate from the date of such application; and any free miner shall at any time be entitled to obtain a free miner's certificate, commencing to run at the expiration of his then existing free miner's certificate, provided that when he applies for such certificate he shall produce to the Mining Recorder, or in case of his absence shall leave with the officer or other person in charge of the Mining Recorder's office, such existing certificate.

"SUBSTITUTED CERTIFICATE." Sec. 7. If any free miner's certificate be accidentally destroyed or lost, the owner thereof may, on payment of the fees set out in the Schedule to this Act, have a true copy of it, signed by the Mining Recorder, or other person by whom or out of whose office the original was issued. Every such copy shall be marked "substituted certificate," and unless some material irregularity be shown in respect thereof, every original or substituted free miner's certificate shall be evidence of all matters therein contained.

PENALTY FOR MINING WITHOUT CERTIFICATE. Sec. 8. Every person and joint stock company engaged in mining for minerals (other than coal) shall take out a free miner's certificate, and every person or joint stock company who mines or works as a miner in any mineral claim, mine held as real estate, or tunnel, or on any flume, drain, or ditch, without having taken out and obtained such certificate, shall, on convic-

tion thereof in a summary way, forfeit and pay a penalty not exceeding twenty-five dollars, besides costs: Provided, always, that nothing herein contained shall prejudice the right to collect wages or payment for work done by any person who, through not being a free miner, has rendered himself liable to the above penalty.

UNCERTIFICATED PERSON NOT ENTITLED TO INTEREST IN MINING PROPERTY, ETC. Sec. 9. Subject to the proviso hereinafter stated, no person or joint stock company shall be recognized as having any right or interest in or to any mineral claim, or any minerals therein, or in or to any water right, mining ditch, drain, tunnel, or flume, unless he or it shall have a free miner's certificate unexpired. And on the expiration of a free miner's certificate the owner thereof shall absolutely forfeit all his rights and interests in or to any mineral claim, and all and any minerals therein, and in or to any and every water right, mining ditch, drain, tunnel, or flume, which may be held or claimed by such owner of such expired free miner's certificate, unless such owner shall, on or before the day following the expiration of such certificate, obtain a new free miner's certificate: Provided, nevertheless, should any co-owner fail to keep up his free miner's certificate, such failure shall not cause a forfeiture or act as an abandonment of the claim, but the interest of the co-owner who shall fail to keep up his free miner's certificate shall ipso facto, be and become vested in his co-owners pro rata, according to their former interests: Provided, nevertheless, that a shareholder in a joint stock company need not be a free miner, and, though not a free miner, shall be entitled to buy, sell, hold, or dispose of any shares therein: And provided, also, that this section shall not apply to mineral claims for which a Crown grant has been issued: Provided, always, that if any person or company shall acquire, by purchase or otherwise, any mine or mineral claim, or interest therein, and it shall appear that some person or company through whom he or it claims title has neglected to take out or keep up a free miner's certificate, according to the provisions of this Act, such person or company so acquiring such mine or mineral claim, or interest therein, may, within one month from the time when he or it shall first acquire knowledge thereof, or if knowledge already acquired within one month after this Act becomes law, pay to the Recorder of the

Mining Division in which the claim affected is situate the fee or fees which ought to have been paid by such person or company in default as aforesaid, and thereupon the title of such person or company so acquiring the said mine or mineral claim, or interest therein, shall be deemed to be and always to have been as good and effectual as if no such default had occurred, but this last proviso shall not affect litigation pending at the passage of this Act.

PAY LICENSE FOR EMPLOYEES, AND FURNISH LIST. Sec. 10. Every owner of a mine or mineral claim, and every contracor for the performance of any work upon a mine or mineral claim, shall pay the annual fee for a free miner's license for any person in their employment and liable for the fee, and may deduct the amount so paid on account of such person from the amount of salary or wages due or to become due to him from such employer upon production and delivery the receipt for such tax to such person. Every such owner or contractor shall furnish to the Mining Recorder or Collector, when requested by him so to do, from time to time, a list of all to pay the said license fee; but no such statement shall bind the Recorder or Collector or excuse him from making due inquiry to ascertain its correctness.

PENALTY. Sec. 11. If any person fails to pay the said license fee for his employees, or to deliver to the Recorder or Collector the list mentioned in the preceding section when required to do so, or knowingly states anything falsely in such list, such person shall be liable to a penalty not exceeding one hundred dollars, to be recovered, together with the amount of the unpaid license fees, upon summary conviction before one Justice of the Peace.

WHERE A FREE MINER MAY PROSPECT AND MINE. Sec. 12. Every free miner shall, during the continuance of his certificate, but not longer, have the right to enter, locate, prospect, and mine upon any waste lands of the Crown for all minerals other than coal, and upon all lands the right whereon to so enter upon, prospect, and mine all minerals other than coal shall have been, or hereafter shall be, reserved to the Crown and its licensees, and also to enter, locate, prospect, and mine for gold and silver upon any lands the right whereon to so enter and mine such gold and silver shall have

been, or shall be, reserved to the Crown and its licensees. Excepting out of all the above description of lands any land occupied by any building, and any land falling within the curtilage of any dwelling house, and any orchard, and any land for the time being actually under cultivation and any land lawfully occupied for mining purposes other than placer mining, and also Indian reservations and military or naval reservations: Provided that where any hydraulic mining works, established in accordance with the "Placer Mining Act, 1891," have been in operation, the land which may have been uncovered by the operation of such works shall not be located or mined upon by any free miner other than the person or persons carrying on such hydraulic works for a space of six months next after the same shall have been so uncovered: Provided that in the event of such entry being made upon lands already lawfully occupied for other than mining purposes, and not being a portion of lands granted to and held by or for a railway company under any railway subsidy Act heretofore or to be hereafter passed, such free miner, previously to such entry, shall give adequate security to the satisfaction of the Gold Commissioner or Mining Recorder for any loss or damages which may be caused by such entry; and provided that, after such entry, he shall make full compensation to the occupant or owner of such lands for any loss or damages which may be caused by reason of such entry; such compensation, in case of dispute, to be determined by the court having jurisdiction in mining disputes, with or without a jury.

RIGHT TO KILL GAME. Sec. 13. Any free miner shall be at liberty, at any period of the year, while actually prospecting or engaged in mining, to kill game for his own use.

"PLACER MINING ACT." Sec. 14. A free miner shall have all the rights and privileges granted to free miners by the "Placer Mining Act."

SIZE AND FORM OF FREE MINER'S CLAIM. Sec. 15. Any free miner desiring to locate a mineral claim, shall, subject to the provisions of this Act with respect to land which may be used for mining, enter upon the same and locate a plot of ground measuring, where possible but not exceeding, fifteen hundred feet in length by fifteen hundred feet in breadth, in as nearly as possible a rectangular form, that is to say: All

angles shall be right angles, except in cases where a boundary line of a previously surveyed claim is adopted as common to both claims, but the lines need not necessarily be meridional. In defining the size of a mineral claim, it shall be measured horizontally, irrespective of inequalities of the surface of the ground.

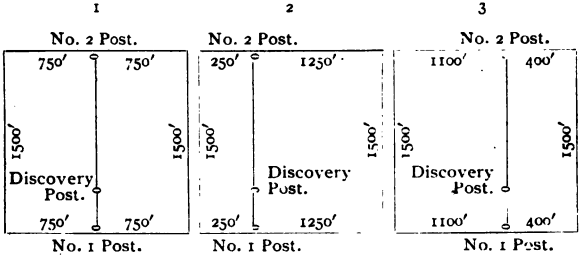
HOW STAKED OUT. Sec. 16. A mineral claim shall be marked by two legal posts, placed as near as possible on the line of the ledge or vein, and the posts shall be numbered 1 and 2, and the distance between posts 1 and 2 shall not exceed fifteen hundred feet, the line between posts Nos. 1 and 2 to be known as the location line, and upon posts Nos. 1 and 2 shall be written the name given to the mineral claim, the name of the locator, and the date of the location. Upon No. 1 post there shall be written, in addition to the foregoing, "Initial Post," the approximate compass bearing of No. 2 post, and a statement of the number of feet lying to right and to the left of the line from No. 1 to No. 2 post, thus: "Initial post. Direction of post No. 2. ..... feet of this claim lie on the right, and ..... feet on the left of the line from No. 1 to No. 2 post."

All the particulars required to be put on No. 1 and No. 2 posts shall be furnished by the locator to the Mining Recorder, in writing, at the time the claim is recorded, and shall form a part of the record of such claim.

When a claim has been located, the holder shall immediately mark the line between posts Nos. 1 and 2 so that it can be distinctly seen; in a timbered locality, by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set legal posts or erect monuments of earth or rock not less than two feet high and two feet in diameter at base, so that such line can be distinctly seen.

The locator shall also place a legal post at the point where he has discovered rock in place, on which shall be written, "Discovery Post:" Provided that when the claim is surveyed, the surveyor shall be guided entirely by posts 1 and 2 and the notice of No. 1, the initial post.

EXAMPLES OF VARIOUS MODES OF LAYING OUT CLAIMS.



It shall not be lawful to move No. 1 post, neither shall it be lawful to move No. 2 post, except for the correction of distance by the Provincial Government Surveyor. Nos. 1 and 2 posts shall govern the direction of one side of the claim.

(a.) The holder of a mineral claim shall be entitled to all minerals which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downwards.

(b.) This Act shall not prejudice the rights of claim-owners nor claim-holders whose claims have been located under former Acts.

(c.) No mineral claim of the full size shall be recorded without the application being accompanied by an affidavit or solemn declaration in the Form S, made by the applicant or some person on his behalf cognizant of the facts: That the legal notices and posts have been put up; that mineral has been found in place on the claim proposed to be recorded; that the ground applied for is unoccupied by any other person as a mineral claim, and is not occupied by any building, or any land falling within the curtilage of any dwelling house, or any orchard, or any land under cultivation, or any Indian Reservation. In the said declaration shall be set out the name of the applicant, the number and date of his free miner's certificate, and the name of the place where the said certificate was issued, and the date of the location of the claim. The words written on No. 1 and

No. 2 posts shall be set out in full, and as accurate a description as possible of the position of the claim given, having special reference to any prior locations which it may join.

No mineral claim which at the date of its record is known by the locator to be less than a full sized mineral claim, shall be recorded without the word "fraction" being added to the name of the claim, and the application being accompanied by an affidavit or solemn declaration in the Form T, made by the applicant or some person on his behalf cognizant of the facts: That the legal posts and notices have been put up; that mineral has been found in place on the fractional claim proposed to be recorded; that the ground applied for is unoccupied by any person as a mineral claim, and is not occupied by any building, or any land falling within the curtilage of any dwelling house, or any orchard, or any land under cultivation, or any Indian Reservation. In the said declaration shall be set out the name of the applicant, the number and date of his free miner's certificate, and the name of the place where the said certificate was issued, and the date of the location of the claim. The words written on the No. 1 and No. 2 posts shall be set out in full, and as accurate a description as possible of the position of the claim given. A description of the land bounding the fractional claim on all sides shall state whether it is vacant Crown land or land occupied by mineral claims, with the names of the claims. A sketch plan shall be drawn by the applicant on back of declaration, showing as near as may be the position of the adjoining mineral claims, and the shape and size, expressed in feet, of the fraction desired to be recorded.

(d.) 1897. Provided that the failure on the part of the locator of a mineral claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate such location, if upon the facts it shall appear that such locator has actually discovered mineral in place on said location, and that there has been on his part a bona fide attempt to comply with the provisions of this Act. and that the non-observance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

LOCATION MADE ON SUNDAY. Sec. 17. Any location made upon Sunday or any public holiday shall not for that

reason be invalid, any law or statute to the contrary notwithstanding.

WHERE STAKING OUT CANNOT BE PROPERLY DONE. Sec. 18. In cases where, from the nature or shape of the ground, it is impossible to mark the location line of the claim, as provided by this Act, then the claim may be marked by placing legal posts as nearly as possible to the location line, and noting the distance and direction such posts may be from such location line, which distance and direction shall be set out in the record of the claim.

RECORD OF CLAIM. Sec. 19. Every free miner locating a mineral claim shall record the same with the Mining Recorder of the district within which the same is situate, within fifteen days after the location thereof, if located within ten miles of the office of the said Mining Recorder. One additional day shall be allowed for such record for every addditional ten miles or fraction thereof. Such record shall be made in a book to be kept for the purpose in the office of the said Mining Recorder, in which shall be inserted the name of the claim, the name of each locator, the number of each locator's free miner's certificate, the locality of the mine, the direction of the location line, the length in feet, the date of location, and the date of the record. Such record shall be, as near as may be possible, in the form B in the Schedule to this Act, and a certified copy thereof shall be given by the Mining Recorder to the free miner or his agent. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned.

WHEN A FREE MINER IS ENTITLED TO RECORD. Sec. 20. A free miner shall not be entitled to a record of a mineral claim until he shall have furnished the said Mining Recorder with all the above particulars.

MINING RECORDER'S OFFICE. Sec. 21. Upon the establishment of a mining division and the opening of a Mining Recorder's Office therein, under the authority of this Act, such office and none other shall be the proper office for recording all mineral claims within such mining division, and making all records in respect thereof.

RECORDING CLAIM IN WRONG DISTRICT. Sec. 22. If through ignorance any free miner shall record a mineral claim in a different mining division to that in which such claim

is situate, such error shall not affect his title to such claim, but he shall, within fifteen days from the discovery of his error, record such claim in the mining division in which it is situate, and such new record shall bear the date of the first record, and a note shall be made thereon of the error and of the date of the rectification of the same.

APPLICATION AT RECORDER'S OFFICE IN HIS ABSENCE. Sec. 23. If a free miner applies at the Mining Recorder's Office during his absence to record a mining claim, or any document or other matter required by this Act to be recorded, and leaves the fee required by this Act, and the particulars and information required to enable the Mining Recorder to make such record, with the officer or other person in charge of said office, he shall be entitled to have such record dated on the date of such application.

DURATION OF CLAIM AND DUTIES OF CLAIM HOLDER. Sec. 24. 1897. Any free miner having duly located and recorded a mineral claim shall be entitled to hold the same for the period of one year from the recording of the same, and thence from year to year without the necessity of re-recording: Provided, however, that during each year and each succeeding year, such free miner shall do, or cause to be done, work on the claim itself to the value of one hundred dollars, and shall satisfy the Gold Commissioner or Mining Recorder that such work has been done, by an affidavit of the free miner or his agent, setting out a detailed statement of such work, and shall obtain from such Gold Commissioner or Mining Recorder, and shall record a certificate of such work having been done: Provided, also, that all work done outside of a mineral claim with intent to work the same shall, if such work have direct relation and be in direct proximity to the claim, be deemed, if to the satisfaction of the Gold Commissioner or Mining Recorder, for the purposes of this section, to be work done on the claim: Provided, further, that any free miner, or company of free miners holding adjoining mineral claims, or any two or more free miners who locate and record adjoining mineral claims, to be worked by them in partnership under the provisions of any Act for the time being in force, shall, subject to filing a notice of their intention with the Gold Commissioner or Mining Recorder, be allowed to perform on any one or more of such claims all the

work required to entitle him or them to a certificate for work for each claim so held by him or them. If such work shall not be done, or if such certificate shall not be so obtained and recorded, in each and every year, the claim shall be deemed vacant and abandoned, any rule of law or equity to the contrary notwithstanding.

LODES UNDER ALLUVIAL DEPOSIT. Sec. 24a. When a lode is supposed to cross a valley or under an alluvial deposit, and where such lode is indicated by its appearance on the side of the mountain leading into such valley, any free miner upon making a sworn statement before the Mining Recorder or Gold Commissioner of the District that there is a lode which has indications of running through and under such alluvial deposit, shall be entitled to a permit for three months to search for such lode over the area of a mineral claim, with the privilege of having such permit extended, on his proving to the satisfaction of the Gold Commissioner that he has bona fide searched for such lode and has expended, either in cash or labor, or both, not less than one hundred dollars in such search. During the existence of such permit the ground covered by the same shall not be open to record by any other miner. The fee for such permit, and each renewal of the same, shall be the same as the fee for a record. 1897, c. 28, s. 13.

PAYMENT INSTEAD OF ASSESSMENT WORK. Sec. 25. The holder of a mineral claim may, in lieu of the work required to be done by section 24 of this Act, on a claim in each year, pay to the Mining Recorder in whose office the claim is recorded the sum of one hundred dollars and receive from such Recorder and record a receipt for such payment. Such payment and the record thereof in any year shall relieve the person making it from the necessity of doing any work during the year in and for which and upon the claim in respect of which such payment is recorded.

SURFACE RIGHTS. Sec. 26. 1897. Notwithstanding anything to the contrary contained in any Act, every Crown Grant hereafter issued of a mineral claim shall convey, and be deemed to convey, only the right to the use and possession of the surface of such claim, including the use of all the timber thereon, for the purpose of winning and getting from and out of such

claim the minerals contained therein, including all operations connected therewith or with the business of mining, and the lawful holder by record of a claim shall, during the continuance of his record, be entitled to the same surface rights and no others, and all remaining surface rights shall be deemed to be vested in the Crown, and may be granted and disposed of as is provided by the Land Laws for the time being in force, but subject always to the rights of free miners as aforesaid. 1897, c. 28, s. 6.

PRIORITY OF LOCATION. Sec. 27. In case of any dispute as to the location of a mineral claim the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself, and subject, further, to the free miner having complied with all the terms and conditions of this act.

IRREGULARITIES PREVIOUS TO LAST CERTIFICATE OF TITLE. Sec. 28. Upon any dispute as to the title to any mineral claim no irregularity happening previous to the date of the record of the last certificate of work shall affect the title thereto, and it shall be assumed that up to that date the title to such claim was perfect, except upon suit by the Attorney-General based upon fraud.

ONLY ONE CLAIM TO BE HELD BY FREE MINER. Sec. 29. No free miner shall be entitled to hold in his own name, or in the name of any other person, more than one mineral claim on the same vein or lode, except by purchase, but such free miner may hold by location a claim upon any separate vein or lode.

ABANDONMENT OF CLAIM. Sec. 30, 1897. A free miner may at any time abandon any mineral claim by giving notice in writing of such intention to abandon to the Mining Recorder, and from the date of the record of such notice all interest of such free miner in such claim shall cease.

MACHINERY ON ABANDONED CLAIM. Sec. 31. When a free miner abandons a mineral claim he shall have the right to take from the same any machinery and any personal property which he may have placed on the claim, and any ore which he may have extracted therefrom, within such time as shall be fixed by the Gold Commissioner or Mining Recorder.

RE-LOCATION OF ABANDONED CLAIM. Sec. 32. No free miner shall be entitled to re-locate any mineral claim, or any portion thereof, which he shall have failed to record within the prescribed period, or which he shall have abandoned or forfeited, unless he shall have obtained the written permission of the Gold Commissioner to make such re-location; and he shall hold no interest in any portion of such mineral claim, by location, without such permission.

RIGHT TO LODES DISCOVERED IN A TUNNEL. Sec. 33. Where a tunnel is run for the development of a vein or lode the owner of such tunnel shall, in addition to any mineral claim legally held by him, have the right to all veins or lodes discovered in such tunnel: Provided that the ground containing such veins or lodes be marked out by him as a mineral claim, and be duly recorded within fifteen days after such discovery; and provided further, that such veins or lodes are not included in any existing mineral claim. Any money or labor expended in constructing a tunnel to develop a vein or lode shall be deemed to have been expended on such vein or lode.

INTEREST IN CLAIM A CHATTEL INTEREST. Sec. 34. The interest of a free miner in his mineral claim shall, save as to claims held as real estate, be deemed to be a chattel interest, equivalent to a lease, for one year, and thence from year to year, subject to the performance and observance of all the terms and conditions of this act.

PURCHASE OF MINERAL CLAIM. Sec. 35. Any lawful holder of a mineral claim shall be entitled to a Crown grant thereof on payment to the Government of British Columbia of the sum of five hundred dollars in lieu of expenditure on the claim. The intending purchaser shall comply with all the provisions of section 36 of this act, except such as have respect solely to the work required to be done on claims.

WHEN ENTITLED TO CERTIFICATE OF IMPROVEMENTS. Sec. 36. Whenever the lawful holder of a mineral claim shall have complied with the following requirements, to the satisfaction of the Gold Commissioner, he shall be entitled to receive from the Gold Commissioner a certificate of improvements in respect of such claim, unless proceedings by the person claiming an adverse right under section 37 of this Act have been taken.

(a.) 1897. Done or cause to be done work on the claim itself in developing a mine to the value of five hundred dollars, exclusive of all houses, buildings and other like improvements. For the purpose of this section, work done on the claim by a predecessor or predecessors in title shall be deemed to have been done by the applicant who receives a transfer of such claim.

(b.) Found a vein or lode within the limits of such claim.

(c.) Had the claim surveyed by an authorized Provincial Land Surveyor, who shall have made three plats of the claim, and who shall have accurately defined and marked the boundaries of such claim upon the ground, and indicated the corners by placing monuments or legal posts at the angles thereof, and upon such monuments or posts shall be inscribed by him the name and the official designation of the claim, and the corner represented thereby, and who shall have, on completion of survey, forwarded at once the original field-notes and plan direct to the Lands and Works Department. After a certificate of improvements has issued in respect of any claim so surveyed, prima facie evidence of its location upon the ground may be given by any person who has seen and can describe the position of such posts purporting to be so marked as aforesaid, and the said field-notes, or a copy thereof certified in accordance with the "Evidence Act," shall be received in all Courts as prima facie evidence of the facts which they purport to set forth.

(d.) Shall have posted on some conspicuous part of the land embraced in the survey a copy of the plat of the claim, and a legible notice in writing, in Form F of the Schedule to this Act, of his intention to apply for a certificate of improvements, and shall also have posted a similar notice in the Mining Recorder's office, and such notice shall contain—

(1.) The name of the claim.

(2.) The name of the lawful holder thereof.

(3.) The number of such holder's existing free miner's certificate.

(4.) His intention to apply for certificate of improvements at the end of sixty days, for the purpose of obtaining a Crown grant.

(5.) The date of the notice.

(e.) 1897. Inserted a copy of such notice in the British

Columbia Gazette and in any newspaper published in the Province, and circulating in the district in which the claim is situate, for at least sixty days prior to such application, which insertion can be made at any time after the posting of the notice on the claim.

(f.) Shall have filed with the Mining Recorder a copy of the surveyor's original field-notes and plat immediately after posting the notice on the claim of his intention to apply for a certificate of improvements.

(g.) Filed with the Mining Recorder—

(1.) Affidavit of the holder of the claim, or his agent, in the Form G in Schedule of this Act.

(h.) At the expiration of the term of the said publication, provided no action shall have been commenced and notice thereof filed with the Mining Recorder, he shall forward to the owner or agent, under Form I of the Schedule to this Act the documents referred to above, together with a certificate that the notice provided by section 36, sub-section (d), has been posted in his office, and the field-notes and plan deposited for reference therein from the date of the first appearance of the said notice in the British Columbia Gazette and continuously therefrom for a period of at least sixty days. The Recorder shall also set out in Form I the name of the recorded owner of the claim at the date of signing the same.

COST OF SURVEY COUNTED AS WORK DONE ON CLAIM. Sec. 36a. The owner of a mineral claim who has had his claim surveyed within one year from the date of the record of the claim, or if the claim was recorded before the passing of this Act, then if surveyed within one year from the passing of this Act, and has filed in the office of the Mining Recorder in the Mining Division in which the claim is situated, a declaration by a Provincial Land Surveyor, stating that he has surveyed the claim as required by sub-section (c) of section 36 of the "Mineral Act," and that he has delivered two plats of the claim and a copy of the original field-notes to the owner of such claim, then the owner of such claim shall be entitled to have the cost of such survey, not to exceed one hundred dollars, counted as work done on the claim. 1897, c. 28, s. 11.

CERTIFICATE NOT IMPEACHED EXCEPT FOR FRAUD. Sec. 37. (1.) A certificate of improvements when

issued as aforesaid shall not be impeached in any court on any ground except that of fraud.

(a.) In case any person shall claim an adverse right of any kind, either to possession of the mineral claim referred to in the application for certificate of improvements or any part thereof, or to the minerals contained therein, he shall, within sixty days after the publication in the British Columbia Gazette of the notice referred to in section 36 hereof (unless such time shall be extended by special order of the court upon cause being shown), commence an action in the Supreme Court of British Columbia to determine the question of the right of possession or otherwise enforce his said claim, and shall file a copy of the writ in said action with the Mining Recorder of the district or mining division in which the said claim is situate within twenty days from the commencement of said action, and shall prosecute the said suit with reasonable diligence to final judgment, and a failure to so commence or so to prosecute shall be deemed to be a waiver of the plaintiff's claim. After final judgment shall have been rendered in the said action the person or any one of the persons entitled to the possession of the claim or any part thereof, may file a certified copy of the same in the office of the Mining Recorder. After the filing of the said judgment, and upon compliance with all the requirements of the next preceding section, such person or persons shall be entitled to the issue to him or to them of a certificate of improvements in respect of the claim or the portion thereof which he or they shall appear from the decision of the Court rightly to possess: Provided that this section shall not apply to any adverse claim filed or action to enforce the same commenced prior to the date of this Act coming into force, but the same shall be continued in the same manner as if this act had not been passed.

ONUS OF PROOF ON CLAIMANT. Sec. 37a. If any person shall in any suit or matter claim an adverse right of any kind to the mineral claim comprised in any record, or to any part thereof, or shall claim that any record is invalid or has been improperly obtained, or that the holder thereof has not complied with the provisions of the Act under which the location and record were made, or has not prior to the obtaining of such record made a good and valid location of such mineral claim according to law, the onus of proof thereof shall

be on the person so claiming an adverse right, or so claiming that such record is invalid and has been improperly obtained as aforesaid, and in default of such proof judgment shall be given for the holder of such prior record in so far as such action, suit or matter relates to any of the matters aforesaid. 1897, c. 28, s. 15.

EFFECT OF CERTIFICATE OF IMPROVEMENTS. Sec. 38. After the issuing and recording of such certificate of improvements, and while such certificate shall be in force it shall not be necessary to do any work on such claim.

WHEN ENTITLED TO CROWN GRANT. Sec. 39. On the granting and recording of such certificate of improvements in respect to a mineral claim situate outside of the Railway Belt, the holder thereof shall be entitled to a Crown grant of such claim without the payment of the five hundred dollars required by section 35. And on the granting and recording of such certificate of improvements in respect of a mineral claim situate inside the Railway Belt, the holder thereof shall be entitled to a Crown grant of such claim on the payment of five dollars per acre to the Mining Recorder.

APPLICATION FOR CROWN GRANT. Sec. 40. The holder of a mineral claim for which a certificate of improvements has been granted and recorded shall make application for a Crown grant to the Gold Commissioner, enclosing his certificate of improvements, the Crown grant fee of five dollars, the Mining Recorder's certificate, Form I, the field-notes and plat, and the affidavit, Form G, within three months from the date of such certificate of improvements, and in default of such application having been made within such time such certificate of improvements shall lapse and become absolutely void.

TRANSFER AFTER APPLICATION. Sec. 41. If the holder of a mineral claim, after applying for a certificate of improvements, shall sell and transfer such claim to another free miner, upon satisfactory proof of such sale and transfer being made to the Gold Commissioner, the new holder of the claim shall be entitled to a certificate of improvements in his own name. And if a sale and transfer shall be made to any person or company after a certificate of improvements shall have been issued, upon proper proof of such sale and transfer

being made to the satisfaction of the Chief Commissioner of Lands and Works, the Crown grant shall issue to the new holder of the claim.

NOT TO TRANSFER, WHEN. Sec. 42. When a holder of a mineral claim has taken out his certificate of improvements he shall not record any transfer of his rights in the said claim until he obtains his Crown grant.

CROWN GRANT DOES NOT INVALIDATE A LIEN. Sec. 43. The issuance of a Crown grant shall not invalidate any lien which may have attached to any mineral claim previous to the issuance of such Crown grant.

WHAT PASSES BY CROWN GRANT ON WASTE LAND. Sec. 44. A Crown grant of a mineral claim located on any waste lands of the Crown shall be deemed to transfer and pass the right to all minerals within the meaning of this Act (excepting coal) found in veins. lodes, or rock in place, and whether such minerals are found separately or in combination with each other, in, upon, or under the land in the said Crown grant mentioned.

WHAT PASSES BY CROWN GRANT WHEN ALL MINERALS (SAVE COAL) HAVE BEEN RESERVED. Sec. 45. Crown grants of mineral claims located on lawfully occupied land the right whereon to enter, prospect, and mine all minerals (other than coal) has been reserved to the Crown and its licensees, shall pass to the grantee all minerals within the meaning of this Act (other than coal) found in veins or lodes, or rock in place, and whether such minerals are found separately or in combination with each other, which may be in, upon, or under the land in the said Crown grant mentioned, and including all the rights given to mineral claim holders of mineral claims so located, but such Crown grant shall expressly reserve the rights of such prior occupant.

(Where the mineral claim is located on land lawfully occupied under a timber lease, the Crown grant shall convey the surface and minerals within the meaning of this act (save coal) found in veins or lodes, or rock in place, but shall reserve the timber.

WHAT PASSES BY CROWN GRANT WHEN GOLD AND SILVER HAS BEEN RESERVED. Sec. 46. Crown

grants of mineral claims located on lawfully occupied lands, the right whereon to enter and mine gold and silver has been reserved to the Crown and its licensees, shall pass to the grantee all the gold and silver found in veins, or lodes, or rock in place, which may be in, upon, or under the land in the said Crown grant mentioned, and including all the rights given to mineral claim holders of mineral claims so located; but such Crown grant shall expressly reserve the rights of such prior occupant.

PURCHASE BY CROWN GRANTEE OF MINERAL CLAIM OF SURFACE RIGHTS ON WASTE LANDS. Sec. 46a. The lawful holder of a Crown grant of a mineral claim issued under the provisions of this Act shall, in cases where such mineral claim has been located on waste lands of the Crown or on lands not already lawfully occupied for other than mining purposes, be entitled to receive a Crown grant of all the surface rights of such mineral claim on payment to the Government of British Columbia of the sum of five dollars per acre for such land, and of the fee of five dollars for the Crown grant. 1897, c. 28, s. 12.

REPEAL OF ACTS DEEMED TO HAVE CLAUSES SAVING RIGHT OF MINERAL CLAIM-HOLDERS TO OBTAN CROWN GRANTS. Sec. 46b. Notwithstanding the repeal of any Acts relating to mineral claims, or the saving clauses of any such repealing Acts, all such repealing Acts shall be deemed to have contained provisions declaring the holders of records of mineral claims entitled to apply for Crown grants thereof under the provisions of the law in force at the time of such applications, and that the procedure upon any such applications shall be that prescribed by the Statutes in force at the time of such applications, the grants thereafter vesting in the holders such rights as were declared by the Statutes in force at the date of record of such mineral claims: Provided, however, that nothing contained in this section shall impair or in any way restrict the rights and privileges conferred on owners of mineral claims by the preceding section of this Act. 1897, c. 28, s. 16.

VALIDATION OF CROWN GRANTS HERETOFORE ISSUED. Sec. 46c. All Crown grants heretofore issued to the holders of mineral claim records shall be deemed to have

been validly issued so far as relates to the procedure upon the application to obtain same, if in the application therefor the holder thereof observed either the procedure prescribed by the Statutes in force at the time of the record of such mineral claims, or the procedure prescribed by the Statutes in force at the time of the applications for Crown grants thereof. 1897, c. 28, s. 17.

ADVERSE CLAIM TO PART OF GROUND. Sec. 47. If an adverse claim shall only affect a portion of the ground for which a certificate of improvements is applied, the applicant may relinquish the portion covered by the adverse claim, and still be entitled to a certificate of improvements for the undisputed remainder of his claim, upon complying with the requirements of this Act.

AFTER JUDGMENT IS GIVEN. Sec. 48. When judgment in such case is rendered by the Court, a memorandum of such judgment shall be entered in the "Record Book;" and if by any judgment the original boundaries of any claim shall be changed, a plat made by a Provincial Land Surveyor, and signed by the Judge by whom the judgment has been given, shall be filed in the office of the Mining Recorder.

RECORDING DOCUMENTS. Sec. 49. Every conveyance, bill of sale, mortgage, or other document of title relating to any mineral claim, not held as real estate, or mining interest, shall be recorded within the time prescribed for recording mineral claims: Provided, always, that the failure to so record any such document shall not invalidate the same as between the parties thereto, but such documents as to third parties shall take effect from the date of record, and not from the date of such document: And provided further, that after the issuance of a Crown grant for any mineral claim it shall not be necessary to register any transfer or other document of title executed subsequent to such Crown grant with the Mining Recorder of the District in which the said claim is situated; but all documents relating to the same may thereafter be registered in the same manner as are other documents of title relating to the transfer of real estate, and all the provisions of the "Land Registry Act," and any amendments thereto, shall apply to such registration.

TRANSFERS TO BE IN WRITING. Sec. 50. No

transfer of any mineral claim, or of any interest therein, shall be enforceable unless the same shall be in writing, signed by the transferrer or by his agent authorized in writing, and recorded by the Mining Recorder; and if signed by an agent, the authority of such agent shall be recorded before the record of such transfer. All mineral claims derived under Crown grant, and every transfer thereof, or any interest therein, shall be registered under the provisions of the "Land Registry Act."

LOCATOR TO ASSIGN INTEREST IN CLAIM IN WRITING. Sec. 50a. No free miner shall be entitled to any interest in any mineral claim which has been located and recorded by any other free miner unless such interest is specified and set forth in some writing signed by the party so locating such claim. 1897, c. 28, s. 14.

TRANSFERS UNDER "GOLD MINING AMENDMENT ACT, 1873." Sec. 51. The transfer of any real estate acquired under the provisions of the "Gold Mining Amendment Act, 1873," shall be in writing, signed by the transferrer or his agent authorized in writing, and need not be by deed or under seal.

ILLNESS AND DEATH OF MINER. Sec. 52. No mineral claim shall be open to location by any other person during the last illness nor, unless with the permission in writing of the Gold Commissioner, for twelve months after the death of the lawful holder.

FAULTS OF GOVERNMENT OFFICIALS. Sec. 53. No free miner shall suffer from any acts of omission or commission, or delays on the part of any Government official, if such can be proven.

MILL-SITES.

LOCATION OF MILL-SITES. Sec. 54. A free miner may locate anywhere unoccupied unreserved Crown land not known to contain mineral and not exceeding five acres, as a mill-site. No free miner shall be entitled to obtain and hold under this section more than one mill-site for each mineral claim lawfully held by him. Such mill-site shall be as nearly as possible in the form of a square. On locating a mill-site, the free miner shall comply with the following requirements:

(a.) Mark out the land by placing a legal post at each corner.

(b.) Post a notice on each post stating—

1. The name of such free miner.

2. The number of his free miner's certificate.

3. His intention, at the expiration of sixty days from the date of the notice to apply for the land as a mill-site.

4. The date of the notice.

(c.) Post a copy of such notice on the office of the Mining Recorder.

ENTITLED TO LEASE AND CROWN GRANT, WHEN. Sec. 55. On the expiration of sixty days after the fulfilment of the above requirements, the free miner shall deposit, in duplicate, in the Office of the Mining Recorder, a plat of the said land made by an authorized Provincial Land Surveyor, and proved by affidavit that he has complied with the above requirements, and that the said land is not known to contain minerals, and shall furnish such other proof of the non-mineral character of the land as the Gold Commissioner may require; the free miner shall then be entitled to a lease, for one year, of the said land, which lease shall be executed by the Gold Commissioner. If, during the continuance of such lease, such free miner shall prove to the satisfaction of the Gold Commissioner that he has put or constructed works, or machinery for mining or milling purposes, on the said mill-site, of the value of at least five hundred dollars, he shall be entitled to a Crown grant of such mill-site upon payment of five dollars per acre for such land. Any free miner now having a lease of a piece of land for a mill-site, upon proving to the satisfaction of the Gold Commissioner that he has put or constructed works, or machinery for mining and milling purposes, on the said mill-site of the value of at least five hundred dollars, shall, on payment of five dollars per acre, be entitled to a Crown grant of such mill-site.

APPLICATION FOR CROWN GRANT OF MILL-SITE. Sec. 56. On applying for a Crown grant of a mill-site, the free miner shall—

(1.) Pay the sum of five dollars per acre to the Mining Recorder.

(2.) Deposit with the Mining Recorder the following documents:

(a.) Lease of the mill-site.

(b.) Plat of the mill-site.

(c.) Surveyor's original field-notes.

(d.) A certificate from the Gold Commissioner that works or machinery for mining or milling purposes have been put or constructed on the mill-site to the value of at least five hundred dollars.

(e.) Application for the Crown grant.

WHAT PASSES BY CROWN GRANT. Sec. 57. Crown grants of mill-sites shall pass to the grantee all the surface of the land in the said Crown grant mentioned, but all such Crown grants shall expressly reserve all minerals under the said land, and the right to the Crown and its licensees to enter and mine the said minerals, and may be in the following form:

(L. S.) (Royal Arms.) No.....

Province of British Columbia.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth.

To all to whom these presents shall come—Greeting:

Know Ye that we do by these presents, for Us, Our heirs and successors, in consideration of the sum of.....to Us paid, give and grant unto....., h.... heirs and assigns, All that parcel or lot of land situate.....and numbered..... on the official plan or survey of the said.....in the Province of British Columbia. To have and to hold the said parcel or lot of land, and all and singular the premises hereby granted, with their appurtenances, unto the said....., h..... heirs and assigns forever.

Provided, nevertheless, that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing-paths, or other works of public utility or convenience, so nevertheless that the lands so to be resumed shall not exceed one-twentieth part of the whole of the lands aforesaid. and that no such resumption shall be made of any lands on which any buildings may have been erected or which may be in use for the more convenient occupation of any such buildings.

Provided, also, that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting under Our or their authority, to enter into and upon any part of the said lands, and to raise and get thereout any minerals, within the meaning of this Act, which may be thereupon or thereunder situate, and to use and enjoy any and every part of the same land, and of the easements and privileges thereto belonging, for the purpose of such raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting, and use, reasonable compensation.

Provided, also, that it shall be lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through or under any parts of the hereditaments hereby granted, as may be reasonably required for mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation to the aforesaid ..... h....., heirs and assigns.

Provided, also, that it shall be at all times lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take from or upon any part of the hereditaments hereby granted, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made patent, and the Great Seal of our Province of British Columbia to be hereunto affixed: Witness, His Honor....., Lieutenant-Governor of Our Province of British Columbia, at Our Government House, in Our City of Victoria, this.....day of....., in the year of Our Lord one thousand eight hundred and....., and in the.....year of Our Reign.

By command. .....

TUNNELS AND DRAINS.

LICENSE TO RUN TUNNELS AND DRAINS. Sec. 58. Any free miner, being the holder of a mineral claim or mine held as real estate, may, at the discretion of the Gold Com-

missioner, obtain a license to run a drain or tunnel, for drainage or any other purposes connected with the development or working of such claim or mine, through any occupied or unoccupied lands, whether mineral or otherwise, upon security being first deposited or given to such Gold Commissioner to his satisfaction for any damage that may be done thereby, and upon such other terms as he shall think expedient.

Sections 59 to 79 repealed, 1897.

III.

MINING PARTNERSHIPS.

HOW GOVERNED. Sec. 80. All mining partnerships shall be governed by the provisions hereof, unless they shall have other and written articles of partnership.

PARTNERSHIP TO BE ANNUAL. Sec. 81. A mining the partenership shall be mining and such other matters as perto be a yearly partnership, renewable from year to year by tacit consent.

SCOPE OF PARTNERSHIP. Sec. 82. The business of the partnership shall be mining and such other matters as pertain solely thereto.

RECORD OF MINING PARTNERSHIPS. Sec. 83. Mining partnerships can locate and record in the partnership name a mineral claim for each partner, but the name of every partner, and the number of every partner's free miner's certificate shall be on the record of every such claim. The partnership name must appear on every such record, and all the claims so taken up shall be the property of the partnership. Provided, always, that no free miner who is the member of a mining partnership, holding by right of location a mineral claim, shall be entitled to hold by right of location in his own name or in the name of any other partnership any interest in any other mineral claim on the same vein or lode on which the partnership claim is situate.

ONE PARTNER FAILING TO KEEP UP FREE MINER'S CERTIFICATE. Sec. 84. Should any partner fail to keep up his free miner's certificate, such failure shall not cause a forfeiture, or act as an abandonment of the partnership claim, but the share of the partner who shall so fail to keep

up his free miner's certificate shall, ipso facto, be and become vested in his partners, pro rata, according to their former interests, on the said partners paying the free miner's certificate for the year.

PARTNER'S RIGHT TO VOTE. Sec. 85. A partner in any mining partnership or his agent authorized in writing shall at any meeting thereof, be entitled to vote upon any interest or fraction of an interest which he may hold therein; but the result of the votes given shall be determined by the number of the full interests voted upon, and not by the number of partners voting at such meeting.

MAJORITY TO MAKE ASSESSMENTS. Sec. 86. A majority of such votes may decide when, how long, and in what manner to work the partnership claim, the number of men to be employed, and the extent and manner of levying the assessments to defray the expenses incurred by the partnership. Such majority may also choose a foreman or manager, who shall represent the partnership, and sue and be sued in the name of the partnership for assessments and otherwise; and he shall have power to bind them by his contracts. Every partner, or his duly authorized agent, shall be entitled to represent his interest in the partnership property by work and labor so long as such work and labor be satisfactory to the foreman or manager. In the event of such workmen being discharged by the foreman or manager, the Court having jurisdiction in mining disputes may, if requested, summon the foreman or manager before it, and upon hearing the facts make such order as it shall deem just.

ASSESSMENTS, WHEN PAYABLE. Sec. 87. All assessments shall be payable within thirty days after being made.

DEFAULT IN PAYMENT BY PARTNER. Sec. 88. Any partner making default in payment after receiving a notice specifying the amount due by him, shall, if such amount be correct, be personally liable therefor to the partnership, and his interest in the partnership property may be sold by the partnership for the payment of the debt, and any further assessment which may have accrued thereon up to the day of sale, together with all costs and charges occasioned by such default; and if the proceeds of the sale be insufficient to pay off the several sums mentioned, the Court having jurisdiction in

mining disputes, upon being applied to, shall issue an order directed to the Sheriff to seize and sell any other personal property of the debtor. Notices of sale shall, in either of the above cases, be conspicuously posted thirty clear days prior to the day of sale in the vicinity of such mining or other property and on the Court House or Mining Recorder's Office nearest thereto. But if such partner be absent from the district such notices shall be posted as aforesaid sixty clear days before the day of sale, and a copy of such notice shall be published in some newspaper circulating in the district wherein such mining or other property is situate. Such sale shall be by public auction to the highest bidder. The purchaser shall be entitled to possession of the property sold, and to a bill of sale therefor signed by the auctioneer; such bill of sale shall confer such title upon the purchaser as the owner had. And for the purpose of carrying out the provisions of this section the Mining Recorder of the mining division in which the property to be sold is situate, or some one appointed by him, may act as auctioneer.

EFFECT OF NOTICE OF ABANDONMENT. Sec. 89. After a notice of abandonment in writing shall have been served on the foreman or manager of a partnership by any member thereof, and duly recorded, such member shall not be liable for any debts or other liabilities of the partnership incurred after service and record of such notice, and no member shall be deemed to have abandoned an interest until service and record of such notice.

TITLE TO ABANDONED SHARE VESTS IN CONTINUING PARTNERS. Sec. 90. Upon the abandonment of any share in a mining partnership, the title to the abandoned share shall vest in the continuing partners, pro rata, according to their former interests.

PARTNER MAY SELL HIS INTEREST. Sec. 91. Any partner shall be entitled to sell, or contract for the sale of, his interest in the partnership property, but such interest shall continue liable for all the debts of the partnership.

NOT LIABLE FOR DEBTS AFTER SALE. Sec. 92. No partner shall, after a bill of sale conveying his interest has been recorded, be liable for any indebtedness of the partnership incurred thereafter.

LIMITED LIABILITY.

LIMITED LIABILITY. Sec. 93. Any mining partnership composed of two or more free miners may limit the liability of its members, upon complying with the requirements following, that is to say:

Upon filing with the Mining Recorder a declaratory statement containing the name of the partnership, the location and size of every partnership claim, and the particular interest of each partner; and also placing upon a conspicuous part of every such claim, in large letters, the name of the partnership, followed by the words "Limited Liability."

PART OF NAME. Sec. 94. The words "Limited Liability" shall thereupon become part of the partnership name.

EFFECT OF LIMITED LIABILITY. Sec. 95. After such conditions shall have been complied with, no member of such partnership shall be liable for any indebtedness incurred thereafter beyond an amount proportioned to his interest in the partnership.

ACCOUNTS TO BE KEPT. Sec. 96. Every such partnership shall keep a correct account of its assets and liabilities, together with the names of the partners, and the interest held by each, and shall make out a monthly balance sheet showing the names of the creditors, and the amounts due to each, and file the same among the papers of the partnership; and such balance sheet and all the books of the partnership shall be open to the inspection of creditors at all reasonable hours.

PARTNER MAY SELL. Sec. 97. Every partner in such partnership shall be at liberty to sell or dispose of his interest therein, or of any part thereof, to any other free miner.

AFTER SALE, PARTNER NOT LIABLE FOR DEBTS OF PARTNERSHIP. Sec. 98. No member of such partnership, after a bill of sale conveying his interest has been duly recorded, or after he has served a notice of abandonment of his interest on the foreman, and left a copy thereof with the Mining Recorder, shall be liable for any indebtedness of the partnership incurred thereafter.

DIVIDENDS. Sec. 99. No such partnership shall declare any dividend until all its liabilities have been paid.

APPOINTMENT OF FOREMAN. Sec. 100. Every such partnership shall appoint a foreman or manager, who shall represent the partnership, who shall sue and be sued in the name of the partnership, and his contracts in relation to the business of the partnership shall be deemed to be the contracts of the partnership.

TO WHAT PARTNERSHIP IS LIABLE. Sec. 101. No such partnership shall be liable for any other indebtedness than that contracted by its foreman or manager, or by its agent duly authorized in writing.

FAILURE TO COMPLY WITH PROVISIONS. Sec. 102. Should any such partnership fail to comply with any of the provisions of this Act relating exclusively to "limited liability" partnerships, such partnerships shall, from the date of such failure, cease to be a "limited liability" partnership.

IV.

MINING RECORDERS—APPOINTMENT, DUTIES, POWERS.

APPOINTMENT OF MINING RECORDER. Sec. 103. The Lieutenant-Governor in Council may appoint any person to be a Mining Recorder in and for any part of the Province.

ELECTION OF RECORDER BY MINERS. Sec. 104. Where mineral land is discovered in a part of the Province so situate that the provisions of this Act as to free miners' certificates and records of mining property cannot be justly applied or enforced by reason of there being no Gold Commissioner or Mining Recorder in the locality, it shall be lawful for the miners of such locality to hold meetings at such times and places as may be agreed upon, and at such meetings, by a two-thirds vote, to appoint one of their number to issue free miners' certificates and to enter records of mining property; and such certificates and records shall be valid, notwithstanding any informality therein. Provided that all records so made and all fees for the same in accordance with the Schedule to this Act, and a list of all free miners' certificates issued, and the date and term thereof, and the fees for the same, be forwarded to the nearest Gold Commissioner or Mining Recorder as soon thereafter as practicable.

RECORDER TO ISSUE CERTIFICATES. Sec. 105. Every Mining Recorder shall issue free miners' certificates and "substituted certificates" to all persons and companies entitled thereto.

BOOK OF FORMS, COUNTERFOILS, etc. Sec. 106. Such free miners' certificates shall be taken from a printed book of forms, with duplicate counterfoils, one of which counterfoils shall be filed in the office of the Mining Recorder.

BOOKS TO BE KEPT BY MINING RECORDER. Sec. 107. Eevery Mining Recorder shall keep the following books:

(a.) A book to be known as the "Record Book."

(b.) A book to be known as the "Record of Abandonments."

(c.) A book to be known as the "Record of Affidavits."

(d.) A book to be known as the "Record of Conveyances."

(e.) A book to be known as the "Record of Free Miners' Certificates."

ISSUE OF CERTIFICATE. Sec. 108. Upon receipt of an affidavit setting forth a detailed statement of work, as required by section 24, the Mining Recorder shall issue a certificate of work in the Form E in the Schedule to this Act.

FILING AND RECORD. Sec. 109. Upon issuing such certificate of work, the Mining Recorder shall file such affidavit in the Record of Affidavits, and also record such certificate of work in the Record Book.

RECORD OF CERTIFICATE OF IMPROVEMENTS. Sec. 110. Upon receiving a certificate of improvements, the Mining Recorder shall record the same verbatim in the Record Book.

WHAT RECORDER MUST RECORD. Sec. 111. 1897. The Mining Recorder shall record all extensions of time, licenses, permits, and other privileges granted by the Gold Commissioner or Mining Recorder, and all forfeitures declared by the Gold Commissioner, and a memorandum of every judgment affecting a mineral claim or other mining property, in the Record Book.

CERTAIN PARTICULARS ENTERED IN BOOK. Sec. 112. Upon any Mining Recorder issuing a free miner's certificate, or upon any free miner applying to record any mineral

claim, bill of sale, or other instrument, the Mining Recorder shall enter in the free miners' certificate book the particulars of such free miners' certificate, giving number of certificate, date, place of issue, and to whom issued.

RECORD OF ABANDONMENTS. Sec. 113. Upon the receipt of a notice of abandonment, the Mining Recorder shall record the same in the Record of Abandonments, and file such notice, and write across the record of the claim affected by such notice, in the Record Book, the word "Abandoned," and the date of the receipt by him of the notice. If only an interest in a mineral claim is abandoned, and not the entire claim, the memorandum in the record shall show which interest is abandoned.

RECORD OF AFFIDAVITS. Sec. 114. The Mining Recorder shall record, by copying out verbatim all affidavits and declaratory statements required to be recorded in connection with his office, in the Record of Affidavits.

RECORD OF CONVEYANCES. Sec. 115. The Mining Recorder shall record, by copying out verbatim, in the Record of Conveyances, all conveyances, mortgages, bills of sale, contracts for sale, and other documents of title, including powers of attorney, or other authorities, to execute all or any of the above description of documents when brought to him for that purpose.

RECORD OF DOCUMENTS. Sec. 116. The Mining Recorder shall record in the Record Book all other documents relating to mining property which may be brought to him for record, and shall file all such documents which may be brought to him to be filed.

DATE OF ENTRY. Sec. 117. Every entry made in any of the above books shall show the date on which such entry was made.

BOOK TO BE OPEN FOR INSPECTION. Sec. 118. All books of record and documents filed shall, during office hours, be open to public inspection free of charge.

OFFICE COPY TO BE EVIDENCE. Sec. 119. Every copy of, or extract from, any entry in any of the said books, or of any document filed in the Mining Recorder's Office, certified to be a true copy or extract by the Mining Recorder, shall

be received in any Court as evidence of the matters therein contained.

DUTY OF GOLD COMMISSIONER ON RECEIVING APPLICATION FOR CROWN GRANT. Sec. 120. Upon receipt from the holder of a certificate of improvements of an application for a Crown grant in the proper form, and all moneys payable in respect of the claim for which a Crown grant is applied, the Gold Commissioner shall send such moneys, together with the undermentioned papers to the Chief Commissioner of Lands and Works:

(1.) The certificate of improvements.

(2.) Affidavit of the holder of the mineral claim, or his agent—Form G.

(3.) A copy of the plat of the mineral claim.

(4.) The copy of the surveyor's original field notes.

(5.) Mining Recorder's certificate—Form I.

DUTIES WITH REFERENCE TO MILL SITES. Sec. 121. Upon receipt from the lessee of a mill site of all the moneys and documents mentioned in section 56, the Mining Recorder shall send the same to the Gold Commissioner.

RECORDER TO COLLECT FEES. Sec. 122. Before issuing any free miner's certificate, or substituted certificate, or certificate of work, or making any entry in any book of record, or filing any document, or making any copy or extract therefrom, the Mining Recorder shall collect the fees payable in respect thereof.

MINING DIVISIONS.

MAY DIVIDE ANY DISTRICT. Sec. 123. It shall be lawful for the Lieutenant-Governor in Council to divide and subdivide any district into mining divisions, and to establish in each mining division a Mining Recorder's office.

EFFECT OF ESTABLISHMENT OF RECORDER'S OFFICE. Sec. 124. 1897. Upon the establishment of a mining division, and the opening of a Mining Recorder's office therein, under the authority of the last preceding section—

(a.) Such office, and none other, shall be the proper office for recording all claims, records, certificates, documents, or other instruments affecting claims, mines, held as real estate,

or mining property situate within such mining division; and whenever, by this Act, or any Act amending the same, anything is required to be done at or in the office of the Gold Commissioner or Mining Recorder of the district, it shall, if the same affects or concerns any claim, mine held as real estate, or mining property situate within a mining division, be done at or in the office of the Mining Recorder of the mining division wherein such claim or mine, or other mining property, is situate.

(b.) Upon the district or division of any Mining Recorder being divided or subdivided into mining divisions, it shall be the duty of such Mining Recorder to make, or cause to be made, a transcript of all the entries in all the books mentioned in section 107, affecting claims, mines held as real estate, or mining property situate in each newly created mining division, and to forward the same to the Mining Recorder of such mining division, and such transcript shall be kept in such office as part of the records of such office, and all transcripts of such records, certificates, documents or other instruments shall prima facie be deemed to be true copies of the several records, certificates, documents, or other instruments of which they purport to be transcripts; and such transcripts or copies thereof, when certified by the Mining Recorder of the mining division in whose office they are kept, shall be admissible in evidence in all Courts of Judicature in this Province.

GOLD COMMISSIONER HAS ALL POWERS OF MINING RECORDER. Sec. 125. When there shall be no Mining Recorder for a district or division, the duties of the Mining Recorder shall devolve upon the Gold Commissioner and it shall at all times be lawful for the Gold Commissioner to perform the duties of the Mining Recorder, and the Gold Commissioner shall have all the powers of a Mining Recorder.

OFFICE HOURS. Sec. 126. The Mining Recorder's office shall be open upon such days and hours as the Lieutenant-Governor in Council may from time to time appoint, and failing any particular appointment shall be kept open upon all days, excepting public holidays, from 9 a. m. to 4 p. m., and such times shall be deemed the office hours of such office.

V.

GOLD COMMISSIONERS TO BE APPOINTED BY THE LIEUTENANT-GOVERNOR. Sec. 126a. The Lieuten-

ant-Governor in Council may from time to time appoint such persons as he shall think proper to be respectively Chief Gold Commissioner and Gold Commissioners, either for the whole Province or for any particular districts therein, and from time to time in like manner fix and vary the limits of and subdivide such districts, and make and revoke all such appointments. C. A. 1888, c. 82, s. 4.

GOLD COMMISSIONER'S MINISTERIAL POWERS. TUNNELS AND DRAINS.

MAY GRANT LICENSES FOR TUNNELS. Sec. 127. It shall be lawful for, but not incumbent upon, the Gold Commissioner to grant a license to any free miner, being the lawful holder of a mineral claim or mine held as real estate, to run a drain or tunnel, for any purpose connected with the development or working of such claim or mine, through any occupied or unoccupied lands, whether mineral or otherwise, upon security being deposited or given to him, to his satisfaction, for any damage that may be done thereby, and upon such other terms as he shall think fit.

Sections 128 to 134 inclusive repealed, 1897.

WORKING OF MINES OR CLAIMS, AND OTHER POWERS.

RE-LOCATION OF CLAIM. Sec. 135. The Gold Commissioner may, in his discretion, permit a free miner to relocate a mineral claim, or any part thereof, which may have been abandoned or forfeited by such free miner: Provided that such re-locations shall not prejudice or interfere with the rights or interests of others.

MARKING OUT SPACE FOR DEPOSITS. Sec. 136. The Gold Commissioner may mark out a space of ground for deposits of leavings and deads from any tunnel, claim, or mining ground, upon such terms as he may think just.

PROVIDE FOR PUBLIC SAFETY. Sec. 137. The Gold Commissioner shall have the power to summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway,

or any mining property, mineral claims, mining claims, bed-rock drains, or bed-rock flumes; and any abandoned works may by his order be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or, in their absence, upon such terms as he shall think fit.

CROWN GRANTS UNDER G. M. A. ACT, 1873. Sec. 138. Notwithstanding anything contained in the "Gold Mining Amendment Act, 1873," or in any Crown grant issued under the said Act, or under this or any other Act, it shall be lawful for the Gold Commissioner, in his discretion, and with or without any terms or conditions, to allow to the owners of mineral claims all such rights or privileges in and over mineral or other claims held as real estate as may be allowed in and over claims not so held; and owners of claims held as real estate shall be entitled to the same rights and privileges as owners of claims not so held.

ISSUE OF LEASE OF MILL SITE. Sec. 139. Upon receiving an application for a mill site from any free miner, and upon proof being furnished to his satisfaction of the non-mineral character of the land applied for, and the deposit in duplicate of a plat of said land, and upon proof by affidavit that the applicant has complied with the requirements of section 54 of this Act, the Gold Commissioner shall issue to the applicant a lease of such land for one year, in the form in the Schedule to this Act.

CERTIFICATE OF WORK ON MILL SITE. Sec. 140. Upon being satisfied that the lessee of a mill site has put or constructed thereon works or machinery for mining or milling purposes to an amount of not less than five hundred dollars, the Gold Commissioner shall issue his certificate to that effect.

RECORDER TO FORWARD DOCUMENTS. Sec. 141. Upon receipt from the Mining Recorder of the moneys and documents mentioned or referred to in section 121, the Gold Commissioner shall satisfy himself that the same are in order, and then forward the same to the Chief Commissioner of Lands and Works.

POWER TO CARRY OUT ACT. Sec. 142. The Gold Commissioner shall have power to do all things necessary or expedient for the carrying out of the provisions of this Act.

ADMINISTRATION.

COMMISSIONER TO ADMINISTER ESTATE OF INTESTATE DECEASED MINER. Sec. 143. The Gold Commissioner, or any person authorized by him, shall take charge of all the property, within the District of such Commissioner, of any deceased free miner until the issue of letters of administration or probate of the will, if any, and may cause any mineral claims held or owned to be duly represented or dispense therewith at his option: Provided, however, that where any free miner shall die intestate, and the value of the personal estate of such deceased free miner is less than three hundred dollars, it shall not be necessary for the Gold Commissioner to obtain from any Court letters of administration, but in such case the Gold Commissioner may administer and wind up the personal estate of the deceased, and do all things necessary and proper therefor, and act in all respects as if letters of administration to the personal estate of such deceased free miner had been granted to such Gold Commissioner, and the Gold Commissioner shall produce and pass his accounts, in each estate of which he shall undertake the administration, before a Judge of the County Court of the district.

APPLICATION OF "OFFICIAL ADMINISTRATORS ACT." (a.) The Gold Commissioner or person authorized by him as aforesaid shall be governed by the provisions of the "Official Administrators Act," and amending Acts, and any Rules and Regulations thereunder. 1897, c. 28, s. 29.

VI.

COUNTY COURTS JURISDICTION, PROCEDURE, FORMS AND COSTS IN MINING MATTERS.

Sec. 144. In addition to the jurisdiction and powers given to County Courts by the "County Courts Jurisdiction Act," and other Acts, every County Court shall have and exercise, within the limits of its district, all the jurisdiction and powers of a Court of Law and Equity—

(1.) In all personal actions, where the debt or damages claimed arise directly out of the business of mining (other than coal mining), or from the exercise of or interference with any

right, power, or privilege given, or claimed to be given, by this Act or any other Act relating to mining (other than coal mining).

(2.) In all actions between employers and employees, where the employment is directly connected with the business of mining (other than coal mining).

(3.) In all actions for supplies to persons engaged in mining, where such supplies were bought, contracted for, or supplied, or were alleged to have been bought, contracted for, or supplied for mining purposes, or for consumption by persons engaged in mining or prospecting.

(4.) In all actions of trespass on or in respect of mineral claims or other mining property, or upon or in respect of lands entered or trespassed on, or claimed to have been entered or trespassed on, in searching for, mining, or working minerals (other than coal), or for any other purpose directly connected with the business of mining (other than coal mining), or in the exercise of any power or privilege given, or claimed to be given, by this Act, or any other Act relating to mining (other than coal mining).

(5.) In all actions of ejectment from mineral claims or other mining property, or from lands entered, or claimed to have been entered, in searching for, mining, or working minerals (other than coal), or for any purpose directly connected with the business of mining, or entered, or claimed to have been entered, under some power, right, or authority given or obtained under the provisions of this Act, or any other Act relating to mining (other than coal mining).

(6.) In all suits for foreclosure or redemption, or for enforcing any charge or lien, where the mortgage, charge or lien shall be on mineral claims, mines, or other mining property.

(7.) In all suits for specific performance of or for reforming, or delivering up, or canceling any agreement for sale, purchase, or lease of any mineral claim, mine, or other mining property.

(8.) In all suits for the dissolution or winding up of any mining partnership, whether registered or not, under the provisions of this Act.

(9.) In all suits relative to water rights claimed under this Act, or any other Act relating to mining (other than coal mining).

(10.) In all proceedings for orders in the nature of injunctions, where the same are requisite for the granting of relief in any matter in which jurisdiction is given to the County Court by this Act.

(11.) Provided, always, that at any time during the progress of any action, suit or matter relating to or concerning any of the classes of objects in this section before referred to and enumerated, any of the parties to such action, suit or matter may apply by summons to any Judge of the Supreme Court at Chambers for an order directing the transfer of such action, suit or matter into the Supreme Court, and upon such summons any Judge of the Supreme Court may, if satisfied that it is expedient, such action, suit or matter should be so transferred, make an order directing the transfer of such action, suit or matter into the Supreme Court, and may in and by such order give all necessary directions for effectually procuring and completing such transfer, and may make such order as to costs, as well as of the proceedings theretofore had and taken in the County Court as of such summons, as he may think fit, and from and after the making of any such order for transfer into the Supreme Court all proceedings in respect of such action, suit, or matter, shall be had and determined in the Supreme Court, and the jurisdiction of the County Court in respect thereof shall absolutely cease and determine. The Supreme Court, or a Judge thereof, shall have discretion to order that any case so transferred shall be heard, tried, or disposed of without pleadings.

"MINING JURISDICTION." Sec. 145. The jurisdiction given to County Courts by this Act shall be known as the "mining jurisdiction" of the County Court, and the words "mining jurisdiction" shall be written or printed on all summons, writs and other processes, and all other documents in every action or cause brought under the mining jurisdiction of the County Court.

POWERS OF COUNTY COURTS AND OFFICERS. Sec. 146. County Courts and County Court Judges, Registrars, Sheriffs, and other officers, shall have the same duties, powers, privileges, and authorities in all actions and suits, and other proceedings brought under the mining jurisdiction of the County Court, as they now have, or at any time hereafter may have, in actions and suits and other proceedings brought under

the ordinary jurisdiction of the County Court, and the provisions of all Acts for the time being in force regulating the duties and powers of County Courts and County Court Judges, Registrars, Sheriffs, and other officers, and regulating the practice and procedure in County Courts, and all Rules and Orders for the time being applicable to the ordinary jurisdiction of the County Court, shall, so far as practicable and not inconsistent with this Act, apply to the mining jurisdiction of the County Court.

ADJOINING DISTRICTS. Sec. 147. Where disputes arise concerning mining property, portions whereof are situated in adjoining or different districts, the County Court of either of such districts before which the dispute is first brought shall determine it.

SUMMONSES RETURNABLE FORTHWITH. Sec. 148. The hearing of any summons, plaint or other process in any County Court shall not be deferred beyond the shortest reasonable time necessary in the interests of all parties concerned, and it shall be lawful for the Registrar to make summonses or other proceedings returnable forthwith, or at any other time.

COURT MAY DECIDE ON THE GROUND. Sec. 149. In all mining actions or suits the Court may decide the question at issue upon the ground in dispute, and such decision shall be entered as in ordinary cases, and have the same virtue and effect as if rendered in Court.

ISSUES OF FACT MAY BE FOUND BY A JURY. Sec. 150. In any mining cause or suit, either party may require that the issues of fact shall be tried by a jury, and the Judge may, before delivering judgment in any action, suit, or other proceeding, direct all or any issues of fact to be found by a jury.

COSTS. Sec 151. In all actions, suits, and other proceedings within the mining jurisdiction of the County Court, the Judge may order that costs be taxed on the higher or lower scale allowed by the County Court Rules; or if he shall consider the case of sufficient importance, he may order that costs be taxed as in the Supreme Court, and the costs so ordered shall be the costs recoverable in such action, suit, or other proceeding.

COUNTY COURT HAS JURISDICTION OVER LAND IN CERTAIN CASES. Sec. 152. Every County Court having

jurisdiction in mining disputes shall, with reference to real estate held under the "Gold Mining Amendment Act, 1873," or under this Act, and notwithstanding any law to the contrary, have the same powers and authorities to decide all matters or disputes arising between the owners thereof, or between the owners thereof and any third person, or between mining joint stock companies, or between shareholders therein, or between them and the company, in the same way and as fully as it might do concerning claims not being real estate, and actions, suits, and other proceedings relating to such matters or disputes shall be brought and had in the same manner as actions, suits, or proceedings relating to mining claims not being real estate.

WHAT WRITS MAY ISSUE. Sec. 153. Any County Court Judge having jurisdiction in mining causes, may direct the issuing of writs of capias ad respondendum, ne exeat regno, and capias ad satisfaciendum in all cases in which by law he has jurisdiction over the subject-matter of the suit, but under and subject to such conditions as a Judge of the Supreme Court might usually require in applications of a similar nature.

VII.

PENAL AND MISCELLANEOUS.

PENALTY FOR CONTRAVENTION OF ACT. Sec. 154. Any person wilfully acting in contravention of this Act, or refusing to obey any lawful order of the Gold Commissioner or of any Judge presiding in a Court shall, on conviction thereof in a summary way before any two Justices of the Peace or a Stipendiary Magistrate, or before any Judge of a Court having jurisdiction in mining disputes, be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment, with or without hard labor, for any term not exceeding three months.

RECOVERY OF PENALTIES. Sec. 155. All fines and penalties imposed or payable under this Act may be recovered by distress and sale of any mining or other personal property of the offender; and in default of sufficient distress by imprisonment, with or without hard labor, not exceeding three months.

FINES, ETC. Sec. 156. All fines, fees and penalties col-

lected under this Act shall be paid into the Consolidated Revenue Fund of British Columbia.

SAVING RIGHTS. Sec. 157. Nothing herein contained shall, save where such intention is expressly stated, be so construed as to affect prejudicially any mining rights and interests acquired prior to the passing of this Act; and all mining rights and privileges heretofore and hereunder acquired shall, without the same being expressly stated, be deemed to be taken and held subject to the rights of Her Majesty, Her heirs and successors, and to the public rights of way and water.

COPIES OF ACT. Sec. 158. Every free miner, on application to the Mining Recorder of the district, shall be entitled to a printed copy of this Act on payment of the sum of twenty-five cents.

BEFORE WHOM AFFIDAVITS MUST BE MADE. Sec. 159. Affidavits and declarations made under the provisions of this Act shall be made before some Judge or Registrar of a Court of Record, or before some Gold Commissioner, Mining Recorder, Stipendiary Magistrate, Justice of the Peace, Notary Public, or Commissioner for taking affidavits.

WHO MAY EXAMINE CLAIM. Sec. 160. The Minister of Mines and the Provincial Inspector or Mineralogist shall have the right to enter into or upon and examine any mineral claim or mine within the meaning of this Act.

RULES AND REGULATIONS.

LIEUT.-GOVERNOR MAY MAKE RULES, ETC. Sec. 161. The Lieutenant-Governor in Council may make such orders as are deemed necessary from time to time to carry out the provisions of this Act according to their true intent, or to meet the cases which may arise and for which no provision is made in this Act, or when the provision which is made is ambiguous or doubtful; and may also make regulations for relieving against forfeitures arising under section 9 of this Act, and may further make and declare any regulations which are considered necessary to give the provisions in this clause contained full effect; and from time to time alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead; and further impose pen-

alties not exceeding two hundred dollars, or not exceeding three months' imprisonment, for violation of any regulations under this Act; and further provide that any statement or returns required to be made by said regulations shall be verified on oath. Every order or regulation made by virtue of the provisions of this section shall have force and effect only after the same has been published for two successive weeks in the British Columbia Gazette; and such orders or regulations shall be laid before the Legislative Assembly within the first fifteen days of the Session next after the date thereof.

TAXATION OF MINES AND MONEYS INVESTED THEREIN.

MINES TO BE TAXED. Sec. 162. Notwithstanding anything contained in this Act, mines and moneys invested therein shall not be exempt from taxation, but shall bear such rate as may be imposed by any law in the Province.

ANNUAL TAX LEVIED ON EVERY CLAIM HELD UNDER CROWN GRANT. Sec. 163. There shall be levied and collected from the owner or occupier of every mineral or placer claim of which a Crown grant has issued, including Crown grants issued under authority of an Act made and passed in the 36th year of Her Majesty's reign, intituled "An Act to amend the 'Gold Mining Ordinance, 1867,' and the 'Gold Mining Amendment Act, 1872,'" an annual tax of twenty-five cents for every acre and fractional part of an acre of land conveyed by the grant, payable on the 30th day of June in each year. Such tax shall form a charge upon the claim. The Assessor appointed under or by virtue of any existing Assessment Act, or any Collector appointed under the "Provincial Revenue Tax Act," is hereby authorized as to the mineral or placer claims situate within the district for which he is appointed, to collect and receive the tax. In the event of the tax not being paid to the Assessor or Collector, the Gold Commissioner may in his discretion cause the claim upon which the tax is charged to be offered for sale by public auction, of which sixty days' notice shall be posted upon the principal Court House of the district in which the claim is situate, and in one newspaper, if any, published in such district, and may sell such

claim, receive the purchase money, and execute a conveyance thereof to the purchaser. The purchase money shall be applied in payment of the expenses of advertising and the payment of the tax, and any surplus shall be paid into the Treasury in trust for the owner of the claim. In the event of there being no purchaser, or if the price offered shall not be sufficient to pay the tax and expenses of advertising, the land shall absolutely revert to the Province, and the Crown grant thereof shall be deemed void. The Assessor or Collector may, before offering the claim for sale, sue the owner or occupier for the tax, in a summary manner, before any Justice of the Peace, who may adjudge the same to be paid; and in default of payment the amount due, together with costs, may be recovered by distress of the goods and chattels of the person against whom the tax may be recovered: Provided, that if the owner of any such mineral or placer claim shall establish, to the satisfaction of the Gold Commissioner, Mining Recorder, or Assessor and Collector of the district in which the claim lies, that the sum of two hundred dollars has been expended thereon in labor or improvements in any one year, then the tax shall not be levied in respect of such claim for such year.

CHANGE OF NAME. Sec. 164. Where a claim has been recorded under any name, and the owner or his agent is desirous of changing the same, the Recorder of said mining division may, upon application being made by such owner or agent, and upon payment of a fee of twenty-five dollars, amend the record accordingly: Provided, however, that such change of name shall not in any way affect or prejudice any proceedings or execution against the owner of the said claim.

EVIDENCE OF LOCATION DESTROYED. Sec. 165. Whenever through the acts or defaults of any person other than the recorded owner of a mineral claim or his agent by him duly authorized, the evidence of the location or record on the ground, or the situation of a mineral claim, has been destroyed, lost, or effaced, or is difficult of ascertainment, nevertheless, effect shall be given to same as far as possible, and the Court shall have power to make all necessary inquiries, directions and references in the premises, for the purpose of carrrying out the object hereof, and vesting title in the first bona fide acquirer of the claim.

VIII.

REPEALING CLAUSE.

ACTS REPEALED. Sec. 166. The Acts and parts of Acts mentioned in this section shall stand repealed and be repealed; but such repeal shall not be deemed to imply that any of the said Acts or parts of Acts which have been repealed at any time prior to the passing of this Act have been in force since such repeal: Provided further, that such repeal shall not affect any rights acquired, or any liabilities or penalties incurred, or any act or thing done, under any of the said Acts or parts of Acts.

The "Mineral Act, 1891," the "Mineral Act (1891) Amendment Act, 1892," the "Mineral Act (1891) Amendment Act, 1893," the "Mineral Act Amendment Act, 1894," and the "Mineral Act Amendment Act, 1895," are hereby repealed.

PENDING LITIGATION NOT AFFECTED. Sec. 167. Nothing herein contained or enacted shall affect any litigation pending at the time of the passage of this Act.

Sec. 168. Obsolete.

REPEALS CERTAIN PROVISIONS C. A. 1888, c. 82. Sec. 169. Sections 5, 6, 13, 19, 20, 22, 27, 28 and 29 of the "Mineral Act," being chapter 82 of the "Consolidated Acts, 1888," are hereby repealed. 1897, c. 28, s. 21.

SCHEDULES FOR USE UNDER BRITISH COLUMBIA LAWS.

(From the Statutes of 1896.)

FORM A.—LOCATION NOTICE.

.....Mineral Claim.

I, ..., have this day located this ground as a mineral claim, to be known as the ....Mineral Claim, ... feet in length by ..... feet in breadth. The direction of the location line is ....., and ..... feet of this claim lie to the right and ..... feet to the left of the location line.

Dated this ..... day of ....., 189..

Take care to number the posts 1, 2, making the initial post 1. .....

FORM B.—RECORD OF MINERAL CLAIM.

..... Mineral Claim.

No. of Certificate, ...

Located by: (Set out the name and receipt form of payment of the record fee of each locator, and the No. of each locator's Free Miner's Certificate opposite such name.)

The claim is situate .....

The direction of the location line is .....

The length of the claim is ..... feet.

The claim was located on the ..... day of ....., 189..

Recorded this ..... day of ....., 189..

....., Mining Recorder.

(If the stakes are not on the location line, comply with sec. 18.)

FORM C.—RECORD OF PARTNERSHIP MINERAL CLAIM.

..... Mineral Claim.

Located in the partnership name of .....

The members of the partnership, and the Nos. of their respective Free Miner's Certificates are .....

The receipt form of payment of the record fee.

The claim is situate .....

The direction of the location line is .....

The length of the claim is ..... feet.

The claim was located on the ..... day of ....., 189..

Recorded this ..... day of ....., 189..

....., Mining Recorder.

(If the stakes are not on the location line, comply with sec. 18.)

FORM D.—APPLICATION FOR CERTIFICATE OF WORK.

Affidavit.

I, ..., of ....., in the District of ....., free-miner, make oath and say:

I have done, or caused to be done, work on the ..... Mineral Claim, situate at ....., in the District of ....., to the value of at least one hundred dollars, since the.....

day of ....., 189... The following is a detailed statement of such work: (Set out full particulars of the work done in the twelve months in which such work is required to be done by sec. 24.)

Sworn, etc. .....

(This affidavit may be made by an agent, and can be altered to suit circumstances.)

FORM E.—CERTIFICATE OF WORK.

(Name of claim) Mineral Claim.

This is to certify that an affidavit setting out a detailed statement of the work done on the above claim since the ..... day of ....., 189.., made by ....., has this day been filed in my office, and in pursuance of the provisions of the act in that behalf, I do now issue this certificate of work in respect of the above claim to .....

Dated, ...,

Gold Commissioner or Mining Recorder.

FORM F.—CERTIFICATE OF IMPROVEMENTS.

Notice.

..... Mineral Claim.

Situate in the ....., Mining Division of ..... District.

Where located.

Take notice that I, ..., Free Miner's Certificate No. ....., intend, sixty days from the date hereof, to apply to the mining recorder for a certificate of improvements, for the purpose of obtaining a Crown grant of the above claim.

And further take notice, that action, under section 37, must be commenced before the issuance of such certificate of improvements.

Dated this ..... day of ....., 189..

.....

FORM G.—APPLICATION FOR CERTIFICATE OF IMPROVEMENTS.

Applicant's Affidavit.

I, ..., of ....., in the District of ....., make oath and say:

1. I, ... the recorded holder, and am in undisputed possession of the ..... Mineral Claim, situated at ....., in the District (or Division) of .....

2. I, ..., have done, or caused to be done, work on the said claim in developing a mine to the value of at least five hundred dollars, full *particulars whereof are hereunto annexed and marked "A."

This affidavit may be made by an agent, duly authorized, in writing, and can be altered to suit circumstances.

3. I, ..., found a vein or lode within the limits of the said claim.

4. I, ..., had the claim surveyed by ....., who has made three plats of the said claim.

5. I, ..., placed one such plat on a conspicuous part of the land embraced in such plat on the ..... day of ....., 189..

6. I, ..., posted a copy of the notice hereunto annexed, and marked "B," at the same place as said plat is posted, on the ..... day of ....., 189.., and another copy on the Mining Recorder's office at ....., on the ..... day of ....., 189.., which said notice and plat have been posted, and have remained posted, for at least sixty days concurrently with the publication of the said notice in the British Columbia Gazette.

7. I, ..., inserted a copy of the said notice in the British Columbia Gazette, where it first appeared on the ..... day of ....., 189.., and in the ....., a newspaper published in the province and circulating in the district in which the said claim is situated, where it first appeared on the ..... day of ....., 189.., and was continuously published for sixty days concurrently with the publication of the said notice in the British Columbia Gazette prior to the date of this affidavit.

8. I, ..., deposited a copy of the field notes and plat in the Record Office at ....., on the ..... day of ....., 189.., and they remained there for reference for sixty days concurrently with the publication of the said notice in the British Columbia Gazette.

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*Particulars must be exclusive of all houses and other like improvements.

Sworn and subscribed to ....., at ....., this ..... day of ....., 189.., before me .....

.....

FORM H.—CERTIFICATE OF IMPROVEMENTS

..... Mineral Claim.

This is to certify that ....., of ....., in the District of ....., Free Miner's Certificate No. ....., has proved to my satisfaction that he has complied with all the provisions of the "Mineral Act" to entitle him to a certificate of improvements in respect of the ..... Mineral Claim, situate at ....., in the District of ....., and in pursuance of the provisions of the said Act I do now issue this certificate of improvements, in respect of the above claim, to .....

Dated ...., Gold Commissioner.

This certificate will become void unless a Crown grant is applied for within three months from its date.

(Form may be altered to suit circumstances.)

FORM I.—MINING RECORDER'S CERTIFICATE.

.....Mining Division. ..... District.

..... Mineral Claim.

Date located, ... Date recorded, ...

To .....

Sir:—I herewith enclose the following documents relating to your application for a certificate of improvements to the above claim:

Affidavit of ....., applicant (Form H).

Copy of plat of claim.

Copy of surveyor's field notes.

And I hereby certify that ..... has published a notice of his intention to apply for a certificate of improvements for sixty days in the British Columbia Gazette, from the ..... day of ....., 189.., and ..... newspaper from the ..... day of ....., 189.., and ..... newspaper period a notice in accordance with section 36, sub-section (d), has been posted, and a copy of the field notes and plat of the said claim deposited for reference in my office, and that no notice of any action having been commenced against the issu-

ance of a certificate of improvements to the said claim has been filed in this office up to this date.

The recorded owner of the said claim at this date is .....

Dated ....., 189..

....., Mining Recorder.

FORM J.—MILL SITE.

NOTICE.

Take notice that I, ..., of ....., in the District of ....., Free Miner's Certificate No. ....., intend sixty days from the date hereof, to apply for ..... acres of land for a mill site, situate at ....., in the District of ....., as a mill site.

.....

Dated .....

FORM K.—MILL SITE.

AFFIDAVIT OF APPLICANT PRIOR TO LEASE.

I, ..., of ....., in the District of....., free miner, make oath and say:

1. I have marked out the land required by me for a mill site, by placing a legal post at each corner.

2. I have posted a notice on each such post, and on the Mining Recorder's office at ....., a copy of which notice is hereunto annexed, and marked "A."

3. The said land is not known to contain minerals, and is not, to the best of my knowledge and belief, valuable as mineral land.

.....

FORM L.—LEASE OF MILL SITE.

This indenture, made the ..... day of ....., 189.., between ....., the Gold Commissioner for the District of ..... (hereinafter called the lessor), of the one part, and ....., of ..... in the district of ....., a free miner (hereinafter [redacted] the lessee), of the other part, witnesseth, that in the exercise of the powers vested in him by the "Mineral Act," he, the said lessor, doth hereby demise unto the said lessee, his executors, administrators and assigns, all that (describe the mill site) for the term of one year from

the date hereof, subject to the provisions and conditions of the "Mineral Act" relating to mill sites.

In witness whereof, the said parties have hereunto set their hands and seals.

Signed, sealed, and delivered ....

.....

FORM M.—MILL SITE.

AFFIDAVIT OF APPLICANT PRIOR TO CROWN GRANT.

I, ..., of ....., in the District of ....., free miner, make oath and say:

1. I am the lawful holder of the mill site mentioned in indenture of lease dated and made between .....

2. During the year mentioned in such lease as the term thereof, I put or constructed works or machinery, for mining or milling purposes, on the said mill site, of the value of at least five hundred dollars.

Sworn, etc. .....

FORM N.—MILL SITE.

CERTIFICATE OF IMPROVEMENTS.

This is to certify that ..... has put or constructed works or machinery, for mining or milling purposes, to the value of at least five hundred dollars, on the mill site described in and demised by indenture dated the ..... day of ....., 189.., and made between ..... during the existence of such lease. ....., Gold Commissioner.

FORM O.—TUNNEL OR DRAIN LICENSE.

To all whom it may concern:

Take notice that ....., a free miner and the owner of ....., having given security to the amount of ..... for any damage he may do, has this day obtained a license from me to run a tunnel (or drain) from ..... to his said claim (or mine).

The said license is granted on these express conditions: (Set out conditions, if any.)

Dated ...., Gold Commissioner.

FORM P.—MILL SITE.

APPLICATION FOR CROWN GRANT.

To the Mining Recorder at .....

Sir:—I enclose herewith the sum of ..... dollars and the under mentioned documents:

Lease of mill site. Plat of mill site. Surveyor's field notes. Certificate of Improvements. Affidavit of applicant.

And I now apply for a Crown grant of the mill site demised by the above mentioned lease.

Yours respectfully, ...

Forms Q and R repealed 1897.

FORM S.—FOR A FULL CLAIM.

..... Mining Division, ... District.

I, A. B., of ....., in the ..... Mining Division of ..... District, free miner, make oath and say:

1. I am the holder of Free Miner's Certificate No. ...., dated ..... day of ....., 18.., and issued at .....

2. On the ..... day of ....., 18.., I located the ..... Mineral Claim, situated (here describe position of claim as near as possible, giving the name or names of any Mineral Claim or claims it may join.)

3. I have placed a No. 1 and a No. 2 and a discovery post of the legal dimensions on the said claim, with the legal notices on each post.

4. I have written on the No. 1 post the following words: .....

5. I have written on the No. 2 post the following words: .....

6. That I have found mineral in place on the said claim.

7. That I have marked the line between No. 1 and No. 2 posts, as required by section 16 of this Act.

8. That to the best of my knowledge and belief the ground comprised within the boundaries of the said claim is unoccupied by any other person as a Mineral Claim; that it is not occupied by any building or any land falling within the curtilage of any dwelling house, or any orchard, or any land under cultivation, or any Indian reservation.

NOTE.—This declaration may be made by an agent.

.....

FORM T.—FOR FRACTIONAL CLAIM.

..... Mining Division, ... District.

I, A. B., of ....., in the ..... Mining Division of ..... District, free miner, make oath and say:

1. I am the holder of Free Miner's Certificate No. ....., dated ..... day of ....., 18.., and issued at .....

2. On the ..... day of ....., 18.., I located ....., the ..... fractional mineral claim, situated .....

3. This is a fractional claim bounded on the north by ....., on the south by ....., on the east by ....., and on the west by ....., and is more particularly described on the sketch plan on the back of this declaration.

4. I have placed a No. 1 and a No. 2 and a discovery post of the legal dimensions on the said claim, with the legal notices on each post.

5. I have written on the No. 1. post the following words: .....

6. I have written on the No. 2 post the following words: .....

7. I have found mineral in place on the said fractional claim.

8. I have marked the line between No. 1 and No. 2 posts as required by section 16 of this Act.

9. That to the best of my knowledge and belief the ground comprised within the boundaries of the said fractional claim is unoccupied by any other person as a mineral claim; that it is not occupied by any building or any land falling within the curtilage of any dwelling house, or any orchard, or any land under cultivation, or any Indian reservation.

NOTE.—This declaration may be made by an agent.

.....

SCALE OF FEES TO BE CHARGED.

For every Free Miner's Certificate issued to an individual $5 00

For every Free Miner's Certificate issued to a joint stock company

(a.) Having a nominal capital of $100,000.00 or less... 50 00

(b.) Having a nominal capital exceeding $100,000.00.. 100 00

(1897, c. 28, s. 22.)

Every substituted certificate..... .... 1 00

Recording any claim	$2 50
Recording every certificate of work.....	2 50
Recording any "lay over," or every other record required to be made in the "Record Book".....	2 50
Recording every abandonment, including the memorandum to be written on the record.....	2 50
For any other record made in the "Record of Abandonments".....	2 50
For recording every affidavit, where the sum does not exceed three folios of 100 words.....	2 50
For every folio over three, 30 cents per folio.	
The above rate shall be charged for all records made in the "Record of Affidavits."	
For all records made in the "Record of Conveyances," where the same do not exceed three folios.....	2 50
For every folio over three, a further charge of 30 cents per folio.	
For all copies or extracts from any record in any of the above-named books, where such copy or extract shall not exceed three folios, per copy.....	2 50
Where such copies or extracts exceed three folios, 30 cents per folio for every folio over three.	
For filing any document	25
For a Crown grant.....	5 00

PROVINCE OF BRITISH COLUMBIA.

PLACER MINING ACT, 1891.

(As amended in 1894, 1895, 1896 and 1897.)

Her Majesty, by and with the advise and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

SHORT TITLE. Sec. 1. This Act may be cited as the "Placer Mining Act, 1891."

INTERPRETATION. Sec. 2. (1896, c. 35, s. 2.) In the construction of this Act the following expressions shall have the following meanings respectively, unless inconsistent with the context:

"Mine," "placer mine," and "diggings" shall be synonymous terms, and shall mean any natural stratum or bed of earth, gravel or cement mined for gold or other precious minerals or stones.

"Placer claim" shall mean the personal right of property or interest in any placer mine; and in the term "mining property" shall be included every placer claim, ditch, or water right used for placer mining purposes, and all other things belonging thereto or used in the working thereof. Placer claims shall be divided into creek diggings, bar diggings, dry diggings, bench diggings, and hill diggings.

"Creek diggings" shall mean any mine in the bed of any river, stream, or ravine, excepting bar diggings.

"Bar diggings" shall mean any mine over which a river extends when in its flooded state.

"Dry diggings" shall mean any mine over which a river never extends.

"Bench diggings" shall mean any mine on a bench, and shall, for the purpose of defining the size of a claim in bench diggings, be excepted from "dry diggings."

"Hill diggings" shall mean any mine on the surface of a hill, and fronting on any natural stream or ravine.

"Precious stone diggings" shall mean deposit of precious stones, whether in veins, beds, or gravel deposits.

"Streams and ravines" shall include all natural water-courses whether usually containing water or not, and all rivers, creeks and gulches.

"Ditch" shall include a flume, pipe, race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

"Ditch head" shall mean the point in a natural water-course or lake where water is first taken into a ditch.

"Free miner" shall mean a person, or joint stock company, or foreign company named in, and lawfully possessed of, a valid existing free miner's certificate, and no other.

"Legal post" shall mean a stake standing not less than four feet above the ground, and squared or faced on four sides for at least one foot from the top, and each side so squared or faced shall measure at least four inches on its face so far as squared or faced, or any stump or tree cut off and squared or faced to the above height and size.

"Record," "register," and "registration" shall have the same meaning, and shall mean an entry in some official book kept for that purpose.

"Record," when used without qualifying words showing that a different matter is referred to, shall be taken to refer to the record of the location of a placer claim.

"Full interest" shall mean any placer claim of the full size, or one of several shares into which a mine may be equally divided.

"Close season" shall mean the period of the year during which placer claims in any district are laid over by the Gold Commissioner of that district.

"Cause" shall include any suit or action.

"Judgment" shall include "order" or "decree."

"Real estate" shall mean any placer mineral land held in fee simple.

"Joint Stock Company" shall mean any company duly incorporated for mining purposes under the "Companies Act," "Companies Act, 1890," and any company duly incorporated in British Columbia for mining purposes under the "Companies Act, 1862" (Imperial), and shall include all companies falling under the definition of a foreign company in the "Companies Act."

I.

FREE MINERS AND THEIR PRIVILEGES.

FREE MINER'S CERTIFICATE. Sec. 3. Every person over, but not under, eighteen years of age, and every joint stock company, shall be entitled to all the rights and privileges of a free miner, and shall be considered a free miner, upon taking out a free miner's certificate. A minor who shall become a free miner, shall, as regards his mining property and liabilities contracted in connection therewith, be treated as of full age. A free miner's certificate issued to a joint stock company shall be issued in its corporate name. A free miner's certificate shall not be transferable.

DURATION OF CERTIFICATE. Sec. 4. A free miner's certificate may be granted for one or more years to run from the date thereof, or from the expiration of the applicant's then existing certificate, upon the payment therefor of the fees set out in the Schedule of Fees to this Act. Only one person or one joint stock company shall be named therein.

FORM. Sec. 5. A free miner's certificate shall be in the following form:—

BRITISH COLUMBIA.

Free Miner's Certificate.

NOT TRANSFERABLE.

Date, No.

Valid for year only.

This is to certify that of has paid me this day the sum of , and is entitled to all rights and privileges of a free miner, for year from the day of , 18 .

(Signature of Gold Commissioner or Mining Recorder, as the case may be.)

MODE OF RENEWAL OF CERTIFICATE. Sec. 6. If any person or joint stock company shall apply for a free miner's certificate at the Mining Recorder's office during his absence, and shall leave the fee required by this Act with the officer or other person in charge of the said office, he or it shall be entitled to have such certificate from the date of such application; and any free miner shall at any time be entitled to obtain a

free miner's certificate commencing to run from the expiration of his then existing free miner's certificate, provided that when he applies for such certificate he shall produce to the Mining Recorder, or in case of his absence shall leave with the officer or other person in charge of the Mining Recorder's office, such existing certificate.

SUBSTITUTED CERTIFICATE. Sec. 7. If any free miner's certificate be accidentally destroyed or lost the owner thereof may, on payment of the fees set out in the Schedule to this Act, have a true copy of it, signed by the Mining Recorder, or other person by whom or out of whose office the original was issued. Every such copy shall be marked "substituted certificate," and unless some material irregularity be shown in respect thereof, every original or substituted free miner's certificate shall be evidence of all matters therein contained.

PENALTY FOR MINING WITHOUT CERTIFICATE. Sec. 8. Every person and joint stock company engaged in placer mining shall take out a free miner's certificate, and any person or joint stock company who mines or works as a miner in any placer claim, or on any bed-rock flume, drain, or ditch, without having taken out and obtained such certificate, shall, on conviction thereof in a summary way, forfeit and pay a penalty not exceeding twenty-five dollars, besides costs: Provided, always, that nothing herein contained shall prejudice the right to collect wages or payment for work done by any person or company, who, through not being a free miner, has rendered himself or itself liable to the above penalty.

UNCERTIFICATED PERSON NOT ENTITLED TO INTEREST IN MINING PROPERTY, ETC. Sec. 9. (1895, c. 40, s. 2.) No person or joint stock company shall be recognized as having any right or interest in or to any placer claim, mining lease, bed-rock flume grant, or any minerals in any ground comprised therein, or in or to any water right, mining ditch, drain, tunnel, or flume, unless he or it shall have a free miner's certificate unexpired. And on the expiration of a free miner's certificate the owner thereof shall absolutely forfeit all his rights and interest in or to any placer claim, mining lease, bed-rock flume grant, and any minerals in any ground comprised therein, and in or to any and every water right,

mining ditch, drain, tunnel, or flume, which may be held or claimed by such owner of such expired free miner's certificate, unless such owner shall, on or before the day following the expiration of such certificate, obtain a new free miner's certificate. Provided, nevertheless, should any co-owner fail to keep up his free miner's certificate, such failure shall not cause a forfeiture or act as an abandonment of the claim; but the interest of the co-owner who shall fail to keep up his free miner's certificate shall ipso facto, be and become vested in his co-owners pro rata, according to their former interests: Provided, nevertheless, that a shareholder in a joint stock company need not be a free miner, and, though not a free miner, shall be entitled to buy, sell, hold, or dispose of any shares therein: And provided, also, that this section shall not apply to placer mines for which a Crown grant has been issued.

OWNERS, ETC., TO PAY THE FEES FOR EMPLOYEES. Sec. 9a. (1895, c. 40, s. 10.) Every owner of a mine or placer claim, and every contractor for the performance of any work upon a mine or placer claim, shall pay the annual fee for a free miner's license for any person in their employment and liable for the fee, and may deduct the amount so paid on account of such person from the amount of salary or wages due or to become due to him from such employer upon production and delivery of the receipt for such tax to such person. Every such owner or contractor shall furnish to the Mining Recorder or Collector, when requested by him so to do, from time to time, a list of all persons in his employ, or indirectly employed by him, liable to pay the said license fee; but no such statement shall bind the Recorder or excuse him from making due inquiry to ascertain its correctness.

PENALTY. Sec. 9b. (1895, c. 40, s. 11.) If any person fails to pay the said license fee for his employees, or to deliver to the Recorder or Collector the list mentioned in the preceding section when required to do so, or knowingly states anything falsely in such list, such person shall be liable to a penalty not exceeding one hundred dollars, to be recovered, together with the amount of the unpaid license fees, upon summary conviction before one Justice of the Peace.

RIGHT OF CERTIFICATE-HOLDER TO PROSPECT. Sec. 10. Every free miner shall, during the continuance of

his certificate but no longer, have the right to enter, locate, prospect, and mine for gold and other precious metals upon any lands in the Province of British Columbia, whether vested in the Crown or otherwise, except upon Government reservations for town sites, land occupied by any building, and any land falling within the curtilage of any dwelling house, and any orchard, and any land lawfully occupied for placer mining purposes, and also Indian reservations.

FREE MINER TO GIVE SECURITY FOR DAMAGE. Sec. 11. Previous to any entry being made upon lands already lawfully occupied, such free miner shall give adequate security, to the satisfaction of the Gold Commissioner, for any loss or damage which may be caused by such entry; and after such entry he shall make full compensation to the occupant or owner of such lands for any loss or damage which may be caused by reason of such entry; such compensation, in case of dispute, to be determined by a Court having jurisdiction in mining disputes, with or without a jury.

Sec. 12. (Repealed by 1896, c. 35, s. 3.)

RIGHT TO KILL GAME. Sec. 13. Any free miner shall be at liberty, at any period of the year, while actually prospecting or engaged in mining, to kill game for his own use.

"MINERAL ACT, 1891." Sec. 14. A free miner shall have all the rights and privileges granted to free miners by the "Mineral Act, 1891."

II.

SIZE AND NATURE OF PLACER CLAIMS.

LOCATING, RECORDING. RE-RECORDING, WORKING AND LAY-OVERS.

Sections 15 and 16 repealed 1897.

SIZE OF CLAIM ON DISCOVERY OF NEW MINE. Sec. 17. If any free miner, or party of free miners, discover a new mine, and such discovery be established to the satisfaction of the Gold Commissioner, placer claims of the following sizes, in dry, bar, bench, creek, or hill diggings shall be allowed, viz.:

To one discoverer, one claim..... 300 feet in length
To a party of two discoverers, two claims,
amounting together to..... 600 feet in length

To a party of three discoverers, three claims, amounting together to..... 800 feet in length
To a party of four discoverers, four claims, amounting together to..... 1,000 feet in length

And to each member of a party beyond four in number, a claim of the ordinary size only.

A creek discovery claim shall extend on each side of the center of the creek as far as the summit of the hill, but not exceeding 1,000 feet.

NEW STRATUM WHERE ALL CLAIMS ABANDONED. Sec. 18. A new stratum of auriferous earth, gravel, or cement, situated in a locality where all placer claims are abandoned, shall be deemed a new mine, although mines in the same locality shall have been previously worked; and dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and vice versa. A discoverer's claim shall be considered as one ordinary claim, in respect to recording, working and representing.

MEASUREMENT OF CLAIMS. Sec. 19. In defining the size of placer claims they shall be measured horizontally, irrespective of inequalities on the surface of the ground.

SHAPE OF CLAIM AND HOW MARKED. Sec. 20. Every placer claim shall be as nearly as possible rectangular in form, and marked by four legal posts at the corners thereof, firmly fixed in the ground. One of such posts shall be marked as the "initial post," and on that post shall be placed a legible notice in writing, stating the name of the claim, its length in feet and general direction, with the date of the notice and name of each locator. If any side line of any claim shall exceed 100 feet in length, legal posts shall be placed along such side line, at distances not exceeding 100 feet.

LOCATION MADE ON SUNDAY. Sec. 21. Any location made upon Sunday or any public holiday shall not for that reason be invalid, any law or statute to the contrary notwithstanding.

DISPUTES AS TO TITLE TO CLAIM. Sec. 22. In case of any dispute as to the title to a placer claim, the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the

record itself, and subject further to the free miner having complied with all the terms and conditions of this Act.

RECORD OF CLAIM. Sec. 23. Every free miner locating a placer claim shall record the same with the Mining Recorder of the district or division within which the same is situate, within three days after the location thereof, if located within ten miles of the office of the said Mining Recorder. One additional day shall be allowed for making such record for every additional ten miles or fraction thereof. Such record shall be made in a book to be kept for the purpose in the office of the said Mining Recorder, to be known as the "Record Book," in which shall be inserted the name of the claim, the name of each locator, the number of each locator's free miner's certificate, the locality of the claim, its length in feet, the period for which such record is granted, the date of location, and date of the record: Provided that a free miner shall not be entitled to a record of a claim until he shall have furnished the Mining Recorder with a written statement of the above particulars.

FORFEITURE BY REMOVAL OF POSTS. Sec. 24. After the recording of a placer claim, the removal of any post by the holder thereof, or by any person acting in his behalf, made for the purpose of changing the limits of his claim, shall act as a forfeiture of the claim.

PROPER PLACE TO RECORD. Sec. 25. Upon the establishment of a mining division and the opening of a Mining Recorder's Office therein, under the authority of this Act, such office and none other shall be the proper office for recording all placer claims within such mining division, and making all records in respect thereof.

RECORDING CLAIM IN WRONG DISTRICT. Sec. 26. (1896, c. 35, s. 4.) If through ignorance any free miner shall record a placer claim in a different mining division to that in which such claim is situate, such error shall not affect his title to such claim, but he shall within fifteen days from the discovery of his error, record such claim in the mining division in which it is situate, and such new record shall bear the date of the first record, and a note shall be made thereon of the error and of the date of the rectification of the same.

DURATION OF RECORD. Sec. 27. A free miner having

duly located a placer claim, shall be entitled to record the same for one or more years, upon payment of the fees set out in the Schedule to this Act.

RE-RECORD OF A CLAIM. Sec. 28. A free miner shall, at any time during the existence of his record or re-record, be entitled to extend the term of his interest in his placer claim for one or more years, upon payment of the fees set out in the Schedule to this Act, by re-recording such claim. Such re-record shall be made in the Record Book, and shall set out—

(1.) The name of the claim.

(2.) The name of each holder of an interest in such claim.

(3.) The number of each such holder's free miner's certificate.

(4.) The locality of the claim.

(5.) The period for which such re-record is granted.

(6.) The date of the re-record.

APPLICATION TO RECORD IN RECORDER'S ABSENCE. Sec. 29. If a free miner shall apply for a record, and shall make such application at the Mining Recorder's office during office hours, but during his absence, and shall leave the fee required by this Act, and the particulars and information required by section 23, with the officer or other person in charge of the said office, he shall be entitled to have a record dated on the date of such application.

APPLICATION TO RE-RECORD IN RECORDER'S ABSENCE. Sec. 30. If a free miner shall apply for a re-record, and shall make such application at the Mining Recorder's office during office hours, but during his absence, and shall leave the fee required by this Act, and the particulars and information required by section 28, with the officer or other person in charge of the said office, he shall be entitled to have a re-record dated on the date of such application, but commencing to run from the expiration of his existing record or re-record.

TERMS ON WHICH MINER MAY HOLD. Sec. 31. A free miner, having duly located and recorded a placer claim, shall be entitled to hold the same during the existence of his record or re-record of such claim upon complying with all the terms and conditions of this Act.

RIGHT OF MINER TO HIS CLAIM. Sec. 32. Every

free miner shall have the exclusive right of entry upon his placer claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom: Provided that the Gold Commissioner may, upon application made to him, allow other free miners such rights of entry thereon as may be necessary for the working of their claims, upon such terms as may to him seem reasonable.

IRREGULARTY PRIOR TO RECORD NOT TO AFFECT TITLE. Sec. 33. Upon any dispute as to the title to a placer claim, no irregularity made prior to the date of the then current record or re-record of such claim shall affect the title thereto, and it shall be assumed that up to the date of such record or re-record the title to such claim was perfect: Provided, always, that it shall at all times be open to prove that the ground was improperly or insufficiently staked, or that the stakes have been illegally moved.

WORKS IN CONNECTION WITH CLAIM DEEMED AS PART THEREOF. Sec. 34. Tunnels, shafts and ditches shall be considered as belonging to the placer claim for the use of which they are constructed, and as abandoned or forfeited by the abandonment or forfeiture of the claim itself.

RIGHTS OF OTHERS TO BE RESPECTED. Sec. 35. In tunneling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, nor from either end of such hills, so as to interfere with parties tunneling from the main frontage.

INTEREST IN CLAIM DEEMED A CHATTEL INTEREST. Sec. 36. The interest of a free miner in his placer claim shall, save as to placer mines held as real estate, be deemed to be a chattel interest, equivalent to a lease, for such period as the same may have been recorded, renewable at the end thereof by re-recording, and subject to the conditions as to forfeiture, working, representation, re-recording, and otherwise, for the time being in force with respect to placer claims.

HOLDER OF PLACER CLAIMS HAS NO RIGHT TO VEIN OR LODE. Sec. 37. The holder of a placer claim shall have no right to any vein or lode, as defined by the "Mineral Act, 1891," within the limits of such placer claim, unless

he shall have located and recorded the ground as a mineral claim; and until he shall so locate and record such ground, the same shall be open to any free miner to locate and record as a mineral claim.

DUTIES OF PLACER CLAIM-HOLDERS. Sec. 38. Every placer claim as defined by this Act shall be represented and bona fide worked by the holder thereof, or by some person on his behalf, continuously, as nearly as practicable, during working hours, and shall be deemed to be abandoned and absolutely forfeited when the same shall have remained unworked on working days by the holder thereof, or some person on his behalf, for the period of seventy-two hours, except during the close season, some lay-over, or leave of absence, or during sickness, or for some other reasonable cause which shall be shown to the satisfaction of the Gold Commissioner.

LEAVE OF ABSENCE. Sec. 39. Every free miner, or company of free miners, shall be entitled to a leave of absence for one year from his or their placer claim or set of claims.

(a.) Upon proving to the Gold Commissioner that he or they has or have expended on such claim, or on any portion of the set of claims, in cash, labor, or machinery, an amount equal to one thousand dollars on each full interest, without any return of gold or other minerals in reasonable quantities from such expenditure: and

(b.) Upon the application for such leave being signed by all the holders of the claim or set of claims.

Such leave of absence shall not be deemed to relieve the holder of such claim or set of claims from carrying out the provisions of this Act respecting free miner's certificates, records and re-records of such claims; nor shall this section affect the discretionary power of the Gold Commissioner with respect to granting a leave of absence under other conditions.

NOT TO APPLY TO MINING LEASES. Sec. 39a. (1895, c. 40, s. 3.) The provisions of sections 39 and 42 of the said Act shall not apply to land or mining property held under mining leases, pursuant to Part VII of the "Placer Mining Act, 1891," but such leases shall in all matters be governed by the terms thereof.

FORFEITURES ABSOLUTE. Sec. 40. Every forfeiture of a placer claim shall be absolute, any rule of law or equity to the contrary notwithstanding.

NOT ENTITLED TO LAY OVER, WHEN. Sec. 41. No placer claim located and recorded in any district within fourteen days before, or at any time during the close season, shall be deemed to be laid over, unless so much work shall have been bona fide done thereon by the holder thereof as shall in the opinion of the Gold Commissioner, fairly entitle him to have such claim laid over.

LAY OVER DURING INSUFFICIENCY OF WATER. Sec. 42. Where the supply of water is insufficient to work hydraulic or other placer claims requiring water to enable them to be worked, such claims shall be laid over by virtue of this section during such insufficiency, but no longer, except by leave of the Gold Commissioner; but a notice of such insufficiency of water must be posted on the office of the Mining Recorder within three days from the cessation of work.

RECORD OF CHARGES ON CLAIMS. Sec. 43. Every bill of sale, conveyance or mortgage of a placer claim, or of any fraction thereof, shall be recorded within the time prescribed for recording placer claims.

TRANSFERS TO BE IN WRITING. Sec. 44. No transfer of any placer claim, or of any interest therein, shall be enforceable unless the same or some memorandum thereof shall be in writing, signed by the transferrer, or by his agent authorized in writing, and recorded in the Record of Conveyances.

TRANSFERS UNDER "GOLD MINING AMENDMENT ACT, 1873." Sec. 45. The transfer of any real estate acquired under the provisions of the "Gold Mining Amendment Act, 1873," shall be in writing, signed by the transferrer or his agent authorized in writing, and attested by a subscribing witness.

III.

TUNNELS AND DRAINS.

LICENSE TO MAKE TUNNELS OR DRAINS THROUGH OTHER LAND. Sec. 46. Any free miner requiring to run or construct a tunnel or drain in connection with his claim through any occupied or unoccupied lands, whether mineral or not, shall obtain a license from the Gold

Commissioner for that purpose, which license shall be granted or withheld in the absolute discretion of such Gold Commissioner; and shall also give such security to the Gold Commissioner for any damage that may be caused by such tunnel or drain as such Gold Commissioner may require. Such license shall be subject to such terms and conditions as the Gold Commissioner shall think fit, and shall be recorded in the Record Book.

TO BELONG TO CLAIM. Sec. 47. A tunnel or drain shall be considered as part of the placer claim, or mine held as real estate, for which the same was constructed.

RIGHT OF WAY FOR MAKING TUNNELS. Sec. 48. Any free miner may apply to the Gold Commissioner for a grant of right of way and entry through and upon any mining ground in his district, for the purpose of constructing a drain for public drainage of mines.

FORM OF APPLICATION—NOTICE. Sec. 49. The application for every such grant shall be in writing, and shall set out the name of each applicant, the nature and extent of the proposed drain, the amount of toll to be charged, the term of years for which such grant is to be made, and all other privileges sought to be acquired. The application shall be left at the Mining Recorder's office addressed to the Gold Commissioner. A notice of such application, setting out the above particulars, shall be posted on the office of the Mining Recorder and on the ground for thirty clear days before such grant shall be made.

DEPOSIT OF $25. Sec. 50. The applicant for every such grant shall deposit with the Mining Recorder, at the time of the leaving of his application as aforesaid, twenty-five dollars, which shall be refunded in case the application shall be refused.

GRANTS OF RIGHT OF WAY, ETC. Sec. 51. Such grants shall be in writing and signed by the Gold Commissioner, and shall not be given for a longer period than twenty years, and shall give such rights of way and entry and such powers to assess, levy, and collect tolls from all persons using such drain, or benefited thereby, as the Gold Commissioner shall think fit, but not in any case to exceed the term, rights, or powers set out in the application.

COVENANTS ON PART OF GRANTEE. Sec. 52. The following covenants and conditions on the part of the grantee and his assigns shall be deemed to be part of every grant, whether expressed therein or not.

(a.) That he shall construct a drain or drains of sufficient size to meet all requirements within the time therein named.

(b.) That he shall keep the same in thorough working order and repair, and free from all obstructions, and in default thereof that the Gold Commissioner may order all necessary alterations or repairs to be made by any free miners, other than the grantee or his assigns, at the cost and expense of the latter; such cost and expense to be levied by sale (subject, however, to the conditions of the grant) of all or any part of the drainage works, materials, and tolls, or any of them.

(c.) That he shall, within a reasonable time, construct proper tap-drains from or into any adjacent claims, upon being requested in writing by the holders thereof so to do; and if such grantee shall fail to commence the construction of any such tap-drains for five days after receipt of such request, or after making such commencement shall for three days fail to proceed with such construction, he shall permit such holders to construct such tap-drains, in which case such holders shall only be chargeable with one-half the specified rates of toll, or such other proportion as the Gold Commissioner may direct.

(d.) That he will not, in the construction and maintenance of such drains and tap-drains, in any way injure the property of others, and that he shall make good any damage done by him.

RECORD OF GRANT—RENT. Sec. 53. Every such grant shall be recorded in the Record Book, and the deposited sum of twenty-five dollars shall be retained as a recording fee. A rent of twenty-five dollars for each quarter of a mile and each fraction thereof shall be paid annually to the Mining Recorder by the grantee; such rent to commence from the date of the grant.

WATER RIGHTS.

WATER RIGHTS. Sec. 54. Every free miner shall be entitled to the use of so much of the water naturally flowing through or past his placer claim, and not already lawfully ap-

propriated, as shall, in the opinion of the Gold Commissioner be necessary for the due working thereof.

WATER RIGHT TO UNAPPROPRIATED WATER. Sec. 55. (1894, c. 33, s. 2.) A free miner may, at the discretion of the Gold Commissioner, obtain a grant to a water right in any unappropriated water, for any placer mining purpose, for any term not exceeding ten years, upon such terms and conditions as such Gold Commissioner shall think fit; but no free miner shall be charged any money rental for any such water used by him for mining purposes on his own mining claim.

HOW WATER RIGHT OBTAINED. Sec. 56. Before applying for any such grant, the free miner shall—

(1.) Post a notice in writing on a legal post upon some conspicuous part of the ground on which such water is intended to be used, and a copy of such notice on the office of the Mining Recorder for at least twenty days, which notice shall contain the following particulars:—

(a.) The name of each applicant.

(b.) The number of each applicant's free miner's certificate.

(c.) The name, or if unnamed, a sufficient description of the stream, lake, or other source from which such water is intended to be taken.

(d.) The point of diversion or intended ditch-head.

(e.) The number of inches of water applied for.

(f.) The purpose for which it is required.

(g.) The date of the notice.

(2.) If more than three hundred inches are applied for, a deposit shall be made with the Gold Commissioner of twenty-five dollars, to be refunded if the grant is not made.

RECORD OF GRANT. Sec. 57. The grant of such water right shall be recorded in the office of the Mining Recorder in the Record of Water Grants, within the time limited for the recording of placer claims, and shall during each year of the continuance of the grant, and whilst it shall be in operation, be recorded as in the case of a placer claim.

GRANT NOT EFFECTUAL TILL RECORDED. Sec. 58. No grant shall take effect until recorded.

WATER NOT TO BE SOLD, EXCEPT. Sec. 59. No free miner shall be entitled to a grant of the water of any

COVENANTS ON PART OF GRANTEE. Sec. 52. The following covenants and conditions on the part of the grantee and his assigns shall be deemed to be part of every grant, whether expressed therein or not.

(a.) That he shall construct a drain or drains of sufficient size to meet all requirements within the time therein named.

(b.) That he shall keep the same in thorough working order and repair, and free from all obstructions, and in default thereof that the Gold Commissioner may order all necessary alterations or repairs to be made by any free miners, other than the grantee or his assigns, at the cost and expense of the latter; such cost and expense to be levied by sale (subject, however, to the conditions of the grant) of all or any part of the drainage works, materials, and tolls, or any of them.

(c.) That he shall, within a reasonable time, construct proper tap-drains from or into any adjacent claims, upon being requested in writing by the holders thereof so to do; and if such grantee shall fail to commence the construction of any such tap-drains for five days after receipt of such request, or after making such commencement shall for three days fail to proceed with such construction, he shall permit such holders to construct such tap-drains, in which case such holders shall only be chargeable with one-half the specified rates of toll, or such other proportion as the Gold Commissioner may direct.

(d.) That he will not, in the construction and maintenance of such drains and tap-drains, in any way injure the property of others, and that he shall make good any damage done by him.

RECORD OF GRANT—RENT. Sec. 53. Every such grant shall be recorded in the Record Book, and the deposited sum of twenty-five dollars shall be retained as a recording fee. A rent of twenty-five dollars for each quarter of a mile and each fraction thereof shall be paid annually to the Mining Recorder by the grantee; such rent to commence from the date of the grant.

WATER RIGHTS.

WATER RIGHTS. Sec. 54. Every free miner shall be entitled to the use of so much of the water naturally flowing through or past his placer claim, and not already lawfully ap-

propriated, as shall, in the opinion of the Gold Commissioner be necessary for the due working thereof.

WATER RIGHT TO UNAPPROPRIATED WATER. Sec. 55. (1894, c. 33, s. 2.) A free miner may, at the discretion of the Gold Commissioner, obtain a grant to a water right in any unappropriated water, for any placer mining purpose, for any term not exceeding ten years, upon such terms and conditions as such Gold Commissioner shall think fit; but no free miner shall be charged any money rental for any such water used by him for mining purposes on his own mining claim.

HOW WATER RIGHT OBTAINED. Sec. 56. Before applying for any such grant, the free miner shall—

(1.) Post a notice in writing on a legal post upon some conspicuous part of the ground on which such water is intended to be used, and a copy of such notice on the office of the Mining Recorder for at least twenty days, which notice shall contain the following particulars:—

(a.) The name of each applicant.

(b.) The number of each applicant's free miner's certificate.

(c.) The name, or if unnamed, a sufficient description of the stream, lake, or other source from which such water is intended to be taken.

(d.) The point of diversion or intended ditch-head.

(e.) The number of inches of water applied for.

(f.) The purpose for which it is required.

(g.) The date of the notice.

(2.) If more than three hundred inches are applied for, a deposit shall be made with the Gold Commissioner of twenty-five dollars, to be refunded if the grant is not made.

RECORD OF GRANT. Sec. 57. The grant of such water right shall be recorded in the office of the Mining Recorder in the Record of Water Grants, within the time limited for the recording of placer claims, and shall during each year of the continuance of the grant, and whilst it shall be in operation, be recorded as in the case of a placer claim.

GRANT NOT EFFECTUAL TILL RECORDED. Sec. 58. No grant shall take effect until recorded.

WATER NOT TO BE SOLD, EXCEPT. Sec. 59. No free miner shall be entitled to a grant of the water of any

stream for the purpose of selling the water to claim-holders on any part of such stream. The Gold Commissioner may, however, grant such privileges as he may deem just, when such water is intended to work bench or hill claims fronting on any such stream; provided, that the rights of free miners then using the water be protected.

DISTRIBUTION OF WATER. Sec. 60. The owner of any water right may distribute the water to such free miners and on such terms as he may deem advisable, within the limits mentioned in his grant: Provided, always, that such owner shall be bound to supply water to all applicants, being free miners, in a fair proportion, and shall not demand more from one than another, except where the difficulty of supply is enhanced.

RIGHTS OF MINERS LOCATED BELOW DITCH HEAD. Sec. 61. If, after the grant has been made, any free miner or free miners locate and bona fide work any placer claim below the ditch head, on any stream so diverted, he or they shall collectively be entitled to forty inches of water if two hundred inches be diverted, and sixty inches if three hundred be diverted, and no more, except upon paying to the grantee compensation equal to the amount of damage sustained by the grantee on account of the diversion of such extra quantity of water; and, in computing such damage, the expense of the construction of the ditch shall be considered.

PRIORITY OF NOTICE, PRIORITY OF RIGHT. Sec. 62. On any dispute between applicants for a grant prior to such grant being made, priority of notice shall constitute priority of right, if any.

DATE OF GRANT. Sec. 63. A grant duly recorded shall speak from the date of the grant, and not from the date of the record.

RIGHTS OF PERSONS USING WATER. Sec. 64. Every such grant shall be subject to the rights of such free miners as shall, at the date of such grant, be working on the stream above or below the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

GRANT OF WATER RIGHT APPURTENANT TO CLAIM. Sec. 65. A grant of a water right made in respect of any placer claim or placer mine held as real estate, shall be

deemed appurtenant to such claim or mine, and whenever the claim or mine shall have been worked out, abandoned or forfeited, or whenever the occasion for the use of the water upon the claim or mine shall have permanently ceased, the grant shall be at an end and determined.

WHEN WORK MUST BE COMMENCED. Sec. 66. Within thirty days after the grant is made, the grantee shall commence the excavation or construction of the works in which he intends to divert and convey the water, and shall prosecute the work diligently and uninterruptedly to completion, unless interrupted by the severity of the weather: Provided, always, that the Gold Commissioner may, in his discretion, allow such work to cease for any time, upon cause being shown. Upon the non-fulfilment of any of the conditions of this section, the grant shall be forfeited.

CHANGE OF POINT OF DIVERSION. Sec. 67. The grantee of any water right may obtain permission from the Gold Commissioner to change the place of diversion, on giving such notices and complying with such terms as the Gold Commissioner may require.

FORFEITURE FOR WASTING WATER. Sec. 68. Every such grantee shall take all reasonable means for utilizing the water granted to him; and if he wilfully waste any water, or take a quantity of water in excess of his requirements, the Gold Commissioner may declare his grant to be forfeited.

CARRYING WORKS ACROSS OTHER LAND. Sec. 69. Any person desiring to bridge any stream, claim, or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied, may do so with the written sanction of the Gold Commissioner. In all such cases the right of the party first in possession, whether of the mine or of the water right, is to prevail, so as to entitle him to compensation if the same be just.

RULES FOR MEASUREMENT OF WATER. Sec. 70. In measuring water in any ditch or sluice, the following rules shall be observed:—The water taken into a ditch or sluice shall be measured at the ditch or sluice head. No water shall be taken into a ditch or sluice except in a trough placed horizon-

tally at the place at which the water enters it. One inch of water shall mean half the quantity that will pass through an orifice two inches high by one inch wide, with a constant head of seven inches above the upper side of the orifice.

NOTICE TO BE GIVEN ON APPROACHING ANY DITCH. Sec. 71. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a placer claim, or placer mine held as real estate, or other land, or to dig or loosen any earth or rock within twenty feet of any ditch thereon, three days' notice in writing of such intention shall be given to the owner of such ditch, before entering or approaching within twenty feet thereof.

GOLD COMMISSIONER MAY ALLOW DITCH TO BE DIVERTED. Sec. 72. Any person heretofore or hereafter engaged in the construction of any road or work may, with the sanction of the Gold Commissioner, cross, divert, or otherwise interfere with any ditch, water right, or other mining rights whatsoever, for such period as the said Commissioner shall direct.

OWNER TO PROVIDE FOR WASTE WATER. Sec. 73. The owner of any ditch, flume, or pipe, shall, at his own expense, construct, secure, and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, flume, or pipe.

OWNER TO KEEP DITCH IN REPAIR. Sec. 74. The owner of any ditch, flume, or pipe shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair to the satisfaction of the Gold Commissioner, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch, flume or pipe.

OWNER LIABLE FOR DAMAGE CAUSED BY DEFECT. Sec. 75. The owner of any ditch, flume, or pipe, shall be liable and shall make good, in such manner as the Gold Commissioner shall determine, all damage which may be occasioned by or through any parts of the works of such ditch, flume, or pipe breaking or being imperfect.

WHAT IS EFFECTUAL NOTICE. Sec. 76. If any written notice to the party intended to be affected thereby be posted for ten days on some conspicuous part of any premises re-

ferred to in such notice, and also on the office of the Mining Recorder, such notice shall be deemed good and sufficient.

RENEWAL OF WATER RIGHT. Sec. 77. When the term for which any water right has been granted shall have expired, the grantee thereof may, at the discretion of the Gold Commissioner, obtain a renewal of the same for a reasonable term, not to exceed ten years, provided the necessity for the use of said water for the purpose for which it was originally granted continues to exist.

RIGHTS OF CHIEF COMMISSIONER. Sec. 78. Nothing herein contained shall be construed to limit the right of the Chief Commissioner of Lands and Works to lay out, from time to time, the public roads of the Province, across, through, along, or under any ditch, water right, or mining right, in any Crown land, without compensation, provided that as little damage as possible shall be done.

IV.

MINING PARTNERSHIPS.

HOW GOVERNED. Sec. 79. All mining partnerships shall be governed by the provisions hereof, unless they shall have other and written articles of partnership.

PARTNERSHIP TO BE ANNUAL. Sec. 80. A mining partnership shall, unless otherwise agreed upon, be deemed to be a yearly partnership, renewable from year to year by tacit consent.

SCOPE OF PARTNERSHIP. Sec. 81. The business of such partnership shall be mining and such other matters as pertain solely thereto.

RIGHTS OF PARTNERSHIPS. Sec. 82. Mining partnerships can locate and record in the partnership name a placer claim for each partner who is a free miner. Such partnership claims may be located and recorded as a set of claims, and each such claim shall be staked as an ordinary placer claim. One stake on each such claim shall be marked as an initial stake, by writing thereon the words "Initial post." It shall not be requisite to post more than one location notice on each set of claims, which notice shall be on the first initial post.

RECORD OF PARTNERSHIP CLAIMS. Sec. 83. A set of claims may be recorded in one record. The name of every partner, and the number of every partner's free miner's certificate, shall be on the record of every such set of claims. The partnership name shall appear on every such record, and all claims so taken up shall be the property of the partnership.

PARTNER'S RIGHT TO VOTE. Sec. 84. A partner in any mining partnership, or his agent authorized in writing, shall, at any meeting thereof, be entitled to vote upon any interest or fraction of an interest which he may hold therein; but the result of the votes given shall be determined by the number of the full interests voted upon, and not by the number of partners voting at such meeting.

MAJORITY TO MAKE ASSESSMENTS. Sec. 85. A majority of such votes may decide when, how long, and in what manner to work the partnership claim, or set of claims, the number of men to be employed, which number shall not be less than one man to each claim, and the extent and manner of levying the assessments to defray the expenses incurred by the partnership. Such majority may also choose a foreman or manager, who shall represent the partnership and sue and be sued in the name of the partnership for assessments and otherwise; and he shall have power to bind them by his contracts. Every partner, or his duly authorized agent, shall be entitled to represent his interest in the partnership property by work and labor, so long as such work and labor be satisfactory to the foreman or manager. In the event of such partner or agent being discharged by the foreman or manager, the Court having jurisdiction in mining disputes may, if requested, summon the foreman or manager before it, and upon hearing the facts make such order as it shall deem just.

ASSESSMENTS, WHEN PAYABLE. Sec. 86. All assessments shall be payable within five days after being made.

DEFAULT IN PAYMENT BY PARTNER. Sec. 87. Any partner making default in payment after receiving a notice certifying the amount due by him, shall, if such amount be correct, be personally liable therefor to the partnership, and his interest in the partnership property may be sold by the partnership for the payment of the debt, and any further assessment which may have accrued thereon up to the day of sale,

together with all costs and charges occasioned by such default; and if the proceeds of the sale be insufficient to pay off the several sums mentioned the Court having jurisdiction in mining disputes, upon being applied to, shall issue an order directed to the sheriff to seize and sell any other personal property of the debtor. Notices of sale shall, in either of the above cases, be conspicuously posted ten clear days prior to the day of sale, in the vicinity of such mining or other property, and on the Court House or Mining Recorder's office nearest thereto. But if such partner be absent from the district, such notices shall be posted as aforesaid thirty clear days before the day of sale, and a copy of such notice shall be published in some newspaper circulating in the district wherein such mining or other property is situate for the same period. Such sale shall be by public auction to the highest bidder. The purchaser shall be entitled to possession of the property sold, and to a bill of sale therefor signed by the auctioneer; such bill of sale shall confer such title upon the purchaser as the owner had.

EFFECT OF NOTICE OF ABANDONMENT. Sec. 88. After a notice of abandonment, in writing, shall have been served on the foreman or manager of a partnership by any member therof, and duly recorded, such member shall not be liable for any debts or other liabilities of the partnership incurred after service and record of such notice, and no member shall be deemed to have abandoned an interest until service and record of such notice.

INTEREST WHEN SOLD CONTINUES LIABLE. Sec. 89. Any partner shall be entitled to sell, or contract for the sale of, his interest in the partnership property, but such interest shall continue liable for all the debts of the partnership.

PARTNER RELIEVED BY SALE FROM FUTURE DEBTS OF PARTNERSHIP. Sec. 90. No partner shall, after a bill of sale conveying his interest has been recorded, be liable for any indebtedness of the partnership incurred thereafter.

LIMITED LIABILITY.

"LIMITED LIABILITY." Sec. 91. Any mining partnership, composed of two or more free miners, and being free

from all debts in respect of the partnership property, may limit the liability of its members, upon complying with the requirements following, that is to say:—

Upon filing with the Mining Recorder a declaratory statement, containing the name of the partnership, the location and size of every partnership claim, and the particular interest of each partner; and also placing upon a conspicuous part of every such claim, or set of claims, in large letters, the name of the partnership, followed by the words "Limited Liability."

TO BE ADDED TO NAME. Sec. 92. The words "Limited Liability" shall thereupon become part of the partnership name.

EFFECT OF SAME. Sec. 93. After such conditions have been complied with, no member of such partnership shall be liable for any indebtedness incurrred thereafter beyond an amount proportioned to his interest in the partnership.

DUTIES OF "LIMITED LIABILITY" PARTNERSHIP. Sec. 94. Every such partnership shall keep a correct account of its assets and liabilities, together with the names of the partners, and the interest held by each, and shall make out a monthly balance sheet showing the names of the creditors, and the amounts due to each, and file the same among the papers of the partnership; and such balance sheet and all the books of the partnership shall be open to the inspection of creditors at all reasonable hours.

PARTNER MAY SELL HIS INTEREST. Sec. 95. Every partner in such partnership shall be at liberty to sell or dispose or his interest therein, or of any part thereof, to any other free miner; but such partner shall be liable for the indebtedness on the said interest in proportion to his interest in the partnership.

HOW TO AVOID FUTURE DEBTS OF LIMITED LIABILITY PARTNERSHIP. Sec. 96. No member of such partnership, after a bill of sale conveying his interest has been duly recorded, or after he has served a notice of abandonment of his interest on the foreman, and left a copy thereof with the Mining Recorder, shall be liable for any indebtedness of the partnership incurred thereafter.

DIVIDEND. Sec. 97. No such partnership shall declare any dividend until all its liabilities have been paid.

FOREMAN. Sec. 98. Every such partnership shall appoint a foreman or manager, who shall represent the partnership, and who shall sue and be sued in the name of the partnership; and his contracts in relation to the business of the partnership shall be deemed to be the contracts of the partnership.

WHAT DEBTS THE PARTNERSHIP IS LIABLE FOR. Sec. 99. No such partnership shall be liable for any other indebtedness than that contracted by its foreman or manager, or by its agent duly authorized in writing.

VI.

BED-ROCK FLUMES.

APPLICATION FOR RIGHT OF WAY FOR BED-ROCK FLUME. Sec. 100. One or more free miners may apply to the Gold Commissioner for a grant of exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing, laying, and maintaining a bed-rock flume.

HOW APPLICATION IS MADE. Sec. 101. Every such application shall be in writing, and shall be left at the Mining Recorder's office, addressed to the Gold Commissioner, and shall state the name of the applicant and the nature and extent of the privileges sought to be acquired. Thirty days' notice of such application shall be given, by affixing the same to some conspicuous part of the ground through which the rights of way are asked, and a copy thereof upon the walls of the Court House or of the office of the Mining Recorder of the district. Prior to such application, such ground shall be marked out by legal posts, placed at intervals of one hundred and fifty feet along the proposed main line or course of the flume, with a notice of such application affixed to one of such posts. And it shall be competent for any free miner to protest before the Gold Commissioner within such thirty days against such application being granted, but not afterwards. Every application for a grant shall be accompanied by a deposit of one hundred and twenty-five dollars, to be left with the Mining Recorder, which shall be refunded if the application be refused, but not otherwise.

TERM. Sec. 102. Every such grant shall be in writing, signed by the Gold Commissioner, and shall be for a term not exceeding five years.

RIGHTS OF GRANTEE. Sec. 103. The grantee shall be entitled to the following rights and privileges, that is to say:

(a.) The right of way through and entry upon any new and unworked river, creek, gulch, or ravine, and the exclusive right to locate and work a strip of ground one hundred feet wide and two hundred feet long in the bed thereof to each grantee named in such grant.

(b.) The right of way through and entry upon any river, creek, gulch, or ravine, worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, one hundred feet in width, and one-quarter mile in length, for each grantee named in such grant.

(c.) Such right of way through and entry upon any river, creek, or ravine discovered within two years next preceding the date of his application before mentioned, and upon any portions of which any free miner is legally holding and bona fide working a claim, as to the Gold Commissioner may seem advisable.

(d.) The right of way through and entry upon all placer claims which are at the time of the notice of application before mentioned bona fide being worked by any free miner, for the purpose of cutting a channel and laying his flume therein, with such reasonable space for constructing, maintaining and repairing the flume as may be necessary: Provided, that the owner of such last-mentioned placer claim shall be entitled to take and receive the gold or other minerals found in the cut so made.

Subsection e of section 103 repealed 1897.

(f.) The right to all the gold or other minerals in his flumes.

(g.) No person locating new and unworked or abandoned ground within the limits of such grant, after the notice above mentioned has been given, shall have any right or title as against such grantee to the ground so located.

CLAIM-HOLDER MAY CONNECT WITH BED-ROCK FLUME. Sec. 104. A holder of a placer claim through which

the line of the grantee's flume is to run may put in a bed-rock flume in his claim to connect with the grantee's flume, upon giving the grantee ten days' notice in writing to that effect; but he shall maintain the like grade and build his flume as thoroughly and of as strong materials as are used by such grantee.

DUTIES OF SUCH CLAIM-HOLDER. Sec. 105. A claim-holder constructing such flume through his claim shall keep his flume free from obstruction, and he shall be entitled to all the gold or other minerals found therein, but he shall be subject to the same regulations with regard to cleaning up the flume, repairs and other matters in which both parties are interested, as may be adopted by such grantee; and such claim-holder shall have the right at any time before the abandonment of his claim to become a partner of the grantee, by uniting his claim and flume with the ground and flume of the grantee, and taking an interest proportionate to that which he shall cede to the grantee; or he may abandon his claim and flume, and such abandonment shall inure to the use and benefit of the grantee.

WORK TO BE DONE. Sec. 106. The grantee shall lay at least one hundred feet of flume during the first year of such grant, and three hundred feet annually thereafter, until completion of the flume; but the amount of flume to be laid may be reduced at the discretion of the Gold Commissioner.

WHAT USE CLAIM-HOLDER MAY MAKE OF FLUME. Sec. 107. Any free miner lawfully working any claim where a bed-rock flume exists shall be entitled to tail his sluices, hydraulics, and ground-sluices into such flume, but so as not to obstruct the free working of such flume by rocks, stones, boulders, or otherwise.

RECORD OF GRANT—RENT. Sec. 108. The grantee shall record his grant with the Mining Recorder within three days after obtaining the same, and pay for such record the fee provided in the Schedule to this Act; and he shall also pay to the Mining Recorder annually a rent of twelve dollars and fifty cents for each quarter of a mile of right of way legally held under such grant.

INTEREST OF GRANTEE A CHATTEL INTEREST. Sec. 109. The interest of the grantee in his grant, and in all flumes and fixtures connected therewith, shall be deemed to be a chattel interest equivalent to a lease for the term of such grant.

EXTENSION OF TERM. Sec. 110. Upon the expiration of the grant for a bed-rock flume, it may be extended for any further term not exceeding five years for any one extension, at the discretion of the Gold Commissioner.

FORFEITURE OF GRANT. Sec. 111. Any grant of a bed-rock flume shall be forfeited whenever the grantee shall fail to comply with the conditions thereof, or of this Act.

VII.

LEASES.

LEASES OF UNOCCUPIED CROWN LAND FOR PLACER MINING, ETC. Sec. 112. (1896, c. 35, s. 5.) It shall be lawful for the Gold Commissioner, with the sanction of the Lieutenant-Governor in Council, to grant a lease of any unoccupied and unreserved Crown land for placer mining purposes or for precious stone diggings for any term not exceeding twenty years, on such terms and conditions as he shall think fit; and any free miner desiring to obtain a lease of any placer mining ground shall mark out such ground by placing a legal post at each corner, and shall post a notice on the post nearest to the placer mining claims then being worked in the immediate locality, and also on the office of the Mining Recorder, which notice shall set out—

(1.) The name of each applicant.
(2.) The locality of the ground to be acquired.
(3.) The quantity of ground.
(4.) The term for which such lease is to be applied for.

APPLICATION FOR LEASE. Sec. 113. (1896, c. 35, s. 6.) The free miner, after staking the ground and posting the notices as aforesaid, shall, within thirty days, make application in writing, addressed to the Gold Commissioner, which application shall be in duplicate, with the plan of the ground on the back, and shall leave the same at the office of the Mining Recorder, which application shall set out—

(1.) The name of each applicant.
(2.) The number of each applicant's free miner's certificate.
(3.) The locality of the ground.
(4.) The quantity of ground.
(5.) The term of the lease desired.
(6.) The rent proposed to be paid.

TRIPLICATE GROUND PLAN TO BE FILED. Sec. 114. (1896, c. 35, s. 7.) On making such application the free miner shall deposit with the Mining Recorder, for the use of the Gold Commissioner, a plan of the ground, in triplicate. And every person making application for a lease of mining ground for any purpose under the provisions of this Act shall deposit the sum of twenty dollars with the Gold Commissioner at the time the application is made. If the application is granted, the twenty dollars deposited to be applied towards the payment of the first year's rent, and the balance of the first year's rent shall be paid by the applicant within sixty days after the Gold Commissioner gives him notice of the execution of the lease, which notice may be sent by letter to the applicant to his address; such address to be left with the Gold Commissioner when the application for the lease is made. If the application is not granted, the twenty dollars deposited is to be returned to the applicant; but in case the applicant fails to perform his part in accordance with his application, then the twenty dollars deposited shall be forfeited to the government, and his application shall be void.

Sec. 115. (Repealed by 1896, c. 35, s. 8.)

AREAS OF GROUND. Sec. 116. (1896, c. 35, s. 9.) Applications shall not be for greater than the following areas or distances:

In creek diggings on abandoned or unworked creeks, half a mile in length.

Any other placer mining ground, eighty acres; but in no case shall any lease extend along any creek or river more than five hundred yards; creek diggings excepted.

Precious stone diggings, ten acres; but the right to mine for precious stones shall not include the right to mine for gold or other precious metals, unless the ground be held also for that purpose separately, under the provisions of this Act.

Provided, always, that nothing in this Act shall be deemed to affect the right of any holder of a lease of placer mining ground to a renewal thereof, if such holder has substantially made and performed upon the ground the labor, work, and expenditure required by such lease as a condition of renewal thereof.

NO LEASE GRANTED OF AGRICULTURAL OR OCCUPIED GROUND. Sec. 117. (1894, c. 33, s. 6.) A lease

shall not be granted for any mining ground any portion of which is actually occupied by free miners, unless with the consent of such occupiers; and no lease shall be granted for any mining ground which is, in the opinion of the Gold Commissioner, available for agricultural purposes.

GOLD COMMISSIONER'S POWERS. Sec. 118. (1896, c. 35, s. 10.) The Gold Commissioner may, with the sanction of the Lieutenant-Governor in Council, grant or refuse any application for a lease of placer mining ground, or modify the terms and conditions of such application as he shall think fit.

APPLICATIONS WITH PLAN ANNEXED. Sec. 119. (1896, c. 35, s. 11.) Every application for a lease of placer mining ground, together with the plan of the ground and the Gold Commissioner's report thereon, shall be forwarded by such Gold Commissioner to the Lieutenant-Governor in Council, and no lease shall be granted on any such application without his sanction.

LEASES TO BE IN WRITING, ETC. Sec. 120. (1896, c. 35, s. 12.) Every lease of mining ground shall be in writing signed by the Gold Commissioner and the lessee, and shall be in duplicate or triplicate, as the case may require, and one copy of every such lease shall, as soon as possible after it is issued, be transmitted by mail by the Gold Commissioner issuing the same, to be filed in the office of the Mining Recorder in the mining division of the district in which the mining ground leased is situated.

CONTENTS OF LEASE. Sec. 121. Every lease shall provide for securing to the public reasonable rights of way and water, and shall contain a covenant by the lessee to mine the ground in a miner-like manner, and shall contain such covenants for the continuous working of such ground as the Gold Commissioner shall think reasonable, and shall reserve the right to free miners to enter on such ground and mine for veins or lodes, as defined by the "Mineral Act, 1891."

FORFEITURE OF LEASE. Sec. 122. (1896, c. 35, s. 13.) On the non-performance or non-observance of any covenant or condition in any lease, such lease shall be declared forfeited by the Gold Commissioner, subject to the approval of the Minister of Mines, unless good cause be shown to the contrary. After any such declaration of forfeiture, the mining ground shall be open for location by any free miner. No lease, whether

made before or after the passage of this Act, shall hereafter be declared forfeited, except in accordance with this section.

LEASES TO BE ONLY FOR PLACER MINING. Sec. 123. Leases shall be granted for placer mining only, and shall not be assigned to sub-let without the written consent of the Gold Commissioner.

Sec. 124. 6 May, 1897. When any placer mining ground is held under lease, and such mining ground shall have been efficiently worked as required by the conditions of the lease, to the satisfaction of the Gold Commissioner, and if at the expiration of the lease a portion of said mining ground remains still to be worked, the lessee may obtain an extension of the lease upon the same conditions as the original lease for such reasonable time as will enable him to work out such portion of said mining ground as still remains unworked, and the Gold Commissioner may with the sanction of the Lieutenant-Governor in Council grant such extension by memorandum endorsed on the case: Provided that whenever the mining ground so held under lease has been forfeited, abandoned, or worked out, and when the ditch or flume constructed for conveying water has a carrying capacity of not less than five hundred inches of water, and shall have cost not less than five thousand dollars, such ditch or flume shall remain the property of the owner thereof.

PROCEDURE TO OBTAIN SUCH GRANT. Sec. 124a. (1896, c. 35, s. 15.) Before applying for any such water grant, the holder of a lease shall—

(1.) Post a notice in writing on a legal post upon some conspicuous part of the mining ground on which such water is intended to be used, and a copy of such notice on the office of the Mining Recorder for at least twenty days, which notice shall contain the following particulars:

(a.) The name of each applicant.

(b.) The number of each applicant's free miner's certificate.

(c.) The name, or if unnamed, a sufficient description of the stream, lake, or other source from which such water is intended to be taken.

(d.) The point of diversion or intended ditch-dead.

(e.) The number of inches of water applied for.

(f.) The purpose for which it is required.

(g.) The date of the notice.

CONSOLIDATION OF HOLDINGS. Sec. 124b. (1896, c. 35, s. 15.) Any free miner, or two or more free miners, holding adjoining leases of placer mining ground, may consolidate his or their holdings into one holding, not to exceed six hundred and forty acres, by filing with the Mining Recorder a declaratory statement containing the name of the company or partnership which is to hold the consolidated lease, the location and size of each lease, and the particular interest of each free miner in the leases to be consolidated, and such statement shall be signed by the holder or holders of the leases to be consolidated. After filing such declaratory statement, such free miner, or free miners, shall be allowed in each and every year to perform on any one or more of such leases all the work that is necessary to be performed to hold all such leases, and any water grant that has been made for the working of any one of such leases shall, after the consolidation of such leases, be appurtenant to and may be used on any one of such consolidated leases; and provided further, that when two or more leases have been consolidated into one holding, as provided in this section, and such leases contain a provision that a certain amount of money shall be expended in working each of such leases each year in order to hold it, the holder or holders of such leases may, in lieu of the required expenditure in work on such leases in each year, pay to the Mining Recorder of the Mining Division in which such leases are situate, a sum equal to twenty-five per cent. of the aggregate amount required to be so expended in work on the consolidated leases, and receive from such Recorder and record a receipt for such payment; and payment and record thereof in any year shall relieve the person making it from the necessity of doing any work during the year in and for which and upon the lease in respect of which such payment is recorded.

RECORD OF WATER GRANTS. Sec. 125. (1896, c. 35, s. 16.) Every grant, and every extension of a grant, of a water right for mining grounds leased shall be recorded in the "Record of Water Grants," but it shall not be necessary to record such grant or extension annually.

GRANT OF LEASE OF RIVER BED, ETC. Sec. 126. (1895, c. 40, s. 8.) It shall be lawful for the Gold Commissioner, with the sanction of the Lieutenant-Governor in Council, to grant a lease for any term, not exceeding twenty years, of the

bed of any river below low water mark for dredging purposes, for a distance not exceeding five miles, upon such terms as he shall think fit: Provided, always, that every such lease shall reserve the right to every free miner or mining company to run tailings into such river at any point thereon, also to mine two feet below the surface of the water at low water mark, by putting in wing-dams, whether such free miner shall locate before or after the date of such lease; and it shall be lawful for the holder or holders of any lease or leases, whether granted before or after the passing of this Act, engaged in dredging for gold in any such river, at the time when they may be engaged in dredging, to cut into any bar, bench, or old channel or any of the banks of such river on which they hold leases, or mine in any bench or bank thereof during high or low water, provided the same ground is not leased under the "Placer Mining Act, 1891," and amending Acts, or any other Act, or is not at such time being worked by free miners, the right being always reserved to free miners to construct wing-dams as far as may be desired into any of such bars, banks, or benches for the purpose of conducting mining operations, either by sluice or rocker, and parties holding such dredging leases shall not in any manner interfere with any free miner or stop him from working any part of said river or benches, otherwise than by dredging, of which the holders of such leases shall have the full right.

DREDGERS—PROTECTION.

PROTECTION TO DREDGERS. Sec. 126a. (1895, c. 40, s. 9.) It shall not be lawful for any free miner to construct wing-dams within one thousand feet of any dredger while working, nor to obstruct any dredger in any manner.

VIII.

MINING RECORDERS—APPOINTMENT, DUTIES, POWERS.

APPOINTMENT OF MINING RECORDER. Sec. 127. The Lieutenant-Governor in Council may appoint any person to be a Mining Recorder in and for any part of the Province.

APPOINTMENT OF RECORDER BY MINERS THEM-

SELVES. Sec. 128. Where mineral land is discovered in a part of the Province so situate that the provisions of this Act as to free miners' certificates and records of mining property cannot be justly applied or enforced, by reason of there being no Gold Commissioner or Mining Recorder in the locality, it shall be lawful for the miners of such locality to hold meetings at such times and places as may be agreed upon, and at such meetings by a two-thirds vote, to appoint one of their number to issue free miner's certificates and to enter records of mining property: and such certificates and records shall be valid, notwithstanding any information therein: Provided that all records so made, and all fees for the same in accordance with the Schedule to this Act, and a list of all free miners' certificates issued, and the date and term thereof, and the fees for the same, be forwarded to the nearest Gold Commissioner or Mining Recorder as soon thereafter as practicable.

RECORDER TO ISSUE CERTIFICATES. Sec. 129. Every Mining Recorder shall issue free miners' certificates and "substituted certificates" to all persons and companies entitled thereto.

COUNTERFOILS TO BE FILED. Sec. 130. Such free miners' certificates shall be taken from a printed book of forms, with duplicate counterfoils, one of which counterfoils shall be filed in the office of the Mining Recorder.

BOOKS TO BE KEPT BY MINING RECORDER. Sec. 131. Every Mining Recorder shall keep the following books, to be used for placer mining entries:

(a.) A book to be known as the "Record Book."

(b.) A book to be known as the "Record of Abandonments."

(c.) A book to be known as the "Record of Affidavits."

(d.) A book to be known as the "Record of Conveyances."

(e.) A book to be known as the "Record of Water Grants."

RECORD AND RE-RECORD OF CLAIMS. Sec. 132. Upon the application of or on behalf of any free miner, and upon the receipt of all the particulars required by section 23 of this Act, the Mining Recorder shall record any placer claim, by entering all the particulars required by said section in the Record Book, which entry shall be, as near as convenient, in the Form B in the Schedule to this Act. Upon the applica-

tion of or on behalf of any free miner, and upon receipt of all the particulars required by section 28 of this Act, the Mining Recorder shall re-record any placer claim, by entering all the particulars required by said section in the Record Book, which entry shall be, as near as convenient, in the Form C, in the Schedule to this Act. The Mining Recorder shall not make any such record until he has received all the particulars required by section 23, and any record made in violation of this section shall be absolutely void.

RECORD OF LAY-OVER. Sec. 133. The Mining Recorder shall record every lay-over, leave of absence, license permit, and other privilege granted and forfeiture declared by the Gold Commissioner in the Record Book.

Sec. 134. Repealed 1897.

RECORD OF ABANDONMENT. Sec. 135. Upon the receipt of a notice of abandonment, the Mining Recorder shall record the same in the Record of Abandonments, and file such notice, and write across the record of the claim affected by such notice, in the Record Book, the word "Abandoned," and the date of the receipt by him of the notice. If only an interest in a placer claim is abandoned, and not the entire claim, the memorandum in the record shall show which interest is abandoned.

RECORD OF AFFIDAVITS. Sec. 136. The Mining Recorder shall record, by copying out verbatim, all affidavits and declaratory statements brought to him in connection with his office, in the Record of Affidavits.

RECORD OF DOCUMENTS OF TITLE. Sec. 137. The Mining Recorder shall record, by copying out verbatim, in the Record of Conveyances, all conveyances, mortgages, bills of sale, contracts for sale, and other documents of title, including powers of attorney, or other authorities, to execute all or any of the above description of documents when brought to him for that purpose.

RECORD OF OTHER DOCUMENTS. Sec. 138. The Mining Recorder shall record all other documents relating to mining property which may be brought to him for record, and shall file all such documents which may be brought to him to be filed.

ENTRY TO SHOW DATE. Sec. 139. Every entry made in any of the Mining Recorder's books shall show the date on which such entry was made.

BOOKS TO BE OPEN FOR INSPECTION. Sec. 140. All books of record shall, during office hours, be open to public inspection free of charge, and documents filed shall be open to public inspection upon payment of the fee set out in the Schedule to this Act.

OFFICE COPIES TO BE EVIDENCE. Sec. 141. Every copy of, or extract from, any entry in any of the said books, or of any document filed in the Mining Recorder's office, certified to be a true copy or extract by the Mining Recorder, shall be received in any Court as evidence of the matters therein contained.

FEES TO BE PRE-PAID. Sec. 142. Before issuing any free miner's certificate, or substituted certificate, or making any entry in any book of record, or filing any document, or making any copy or extract therefrom, the Mining Recorder shall collect the fees payable in respect thereof, as set out in the Schedule to this Act.

RECORDER TO RECEIVE DOCUMENTS FOR COMMISSIONER. Sec. 143. The Mining Recorder shall receive all applications and other documents addressed to or intended for the Gold Commissioner, and forward the same to the Gold Commissioner.

TO RECEIVE MONEY UNDER ACT. Sec. 144. The Mining Recorder shall receive all deposits of money directed to be made by this Act, and apply the same as directed by this Act.

TO COLLECT RENT. Sec. 145. The Mining Recorder shall collect all rents collectable under the conditions of any lease or other documents granted under the provisions of this Act.

MONEYS COLLECTED TO BE PAID INTO PROVINCIAL TREASURY. Sec. 146. The Mining Recorder shall forward to the Provincial Treasury all fees, rents, fines, penalties, and other moneys collected or obtained by him in accordance with the provisions of this Act.

RECORDER'S OFFICE. Sec. 147. It shall be lawful for the Lieutenant-Governor in Council to divide and sub-divide any district into mining divisions, and to establish in each or either mining division a Mining Recorder's office.

EFFECT OF ESTABLISHING RECORD OFFICE IN A MINING DISTRICT. Sec. 148. Upon the establishment of a mining division, and the opening of a Mining Recorder's office therein, under the authority of the last preceding section—

(a.) Such office, and none other, shall be the proper office for recording all placer claims, records, certificates, documents, or other instruments affecting claims, placer mines held as real estate, or placer mining property, situate within such mining division, and whenever by this Act, or any act amending the same, anything is required to be done at or in the office of the Gold Commissioner or Mining Recorder of the district, it shall, if the same affects or concerns any claim, placer mine held as real estate, or placer mining property, situate within a mining division, be done at or in the office of the Mining Recorder of the mining division wherein such claim or mine or other mining property is situate.

(b.) Upon the district or division of any Mining Recorder being divided or subdivided into mining divisions, it shall be the duty of such Mining Recorder to make, or cause to be made, a transcript of all the entries in all the books mentioned in section 131 of this Act, affecting claims, placer mines held as real estate, or placer mining property, situate in each newly created mining division, and to forward the same to the Mining Recorder of such mining division, and such transcript shall be kept in such office as part of the records of such office, and all transcripts of such records, certificates, documents, or other instruments, shall, prima facie, be deemed to be true copies of the several records, certificates, documents, or other instruments of which they purport to be transcripts; and such transcripts or copies thereof, when certified by the Mining Recorder of the mining division in whose office they are kept, shall be admissible in evidence in all Courts of Judicature in the Province.

GOLD COMMISSIONER TO HAVE ALL POWERS OF MINING RECORDER. Sec. 149. When there shall be no Mining Recorder for a district or division, the duties of the Mining Recorder shall devolve upon the Gold Commissioner, and it shall at all times be lawful for the Gold Commissioner to perform the duties of the Mining Recorder, and the Gold Commissioner shall have all the powers of a Mining Recorder.

OFFICE HOURS. Sec. 150. The Mining Recorder's office shall be open upon all days, excepting public holidays, from 10 A. M. to 4 P. M., and such times shall be deemed the office hours of such office.

IX.

GOLD COMMISSIONER'S POWERS.

POWERS OF COMMISSIONER. Sec. 151. It shall be lawful for the Gold Commissioner to perform the following acts in accordance with the provisions of this Act:

(a.) He may lay over any or all claims, and may grant to any holder of a claim leave of absence for such period and reasons as he may think proper.

(b.) He may prescribe the number of miners who shall be required to work in prospecting a set of claims until gold in paying quantities is found.

(c.) For the more convenient working of back claims on benches or slopes, the Gold Commissioner may permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine, or water-course, upon such terms as shall seem expedient: Provided that in tunneling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, nor from either end of such hills, so as to interfere with parties tunneling from the main frontage.

(d.) He may mark out a space of ground for deposit of leavings and deads from any tunnel, claim, or mining ground, upon such terms as he may think just.

(e.) He may extend the limits of a claim in "bench diggings" beyond the limits of the bench, but not to exceed 100 feet square.

(f.) He may, in case of disputed boundaries or measurements, employ a surveyor to mark and define the same, and cause the reasonable expense thereof to be paid by either or both of the parties interested therein.

(g.) He may permit or order mining posts to be moved.

(h.) He may summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral claim, placer claim, bed-rock drain, or bed-rock

flume; and any abandoned works may by his order be either filled up, or guarded to his satisfaction, at the cost of the party who may have constructed the same, or, in his absence, upon such terms as he shall think fit.

(i.) He may, upon application made to him, allow a free miner such right of entry upon any adjacent claim as may be necessary for the working of his claim, and upon such terms as may to him seem reasonable.

(j.) He may grant licenses and rights of way for the purpose of constructing drains or tunnels, and may exercise such powers as are specified in Part III of this Act.

Sub-section k repealed 6 May, 1897.

(l.) He may grant rights of way for the purpose of constructing a bed-rock flume, and may extend the grant at its expiration, in accordance with Part VI of this Act.

(m.) 6 May, 1897. He may grant leases of placer mining ground and he may grant renewals of such leases and exercise all such powers as are specified in Part VII of this Act.

CROWN GRANTS UNDER G. M. A. ACT, 1873. Sec. 152. Notwithstanding anything contained in the "Gold Mining Amendment Act, 1873," or in any Crown grant issued under the said Act, or under this or any other Act, it shall be lawful for the Gold Commissioner, in his discretion, and with or without any terms or conditions, to allow to the owners of placer claims all such rights or privileges in and over mineral or other claims held as real estate as may be allowed in and over claims not so held; and owners of claims held as real estate shall be entitled to the same rights and privileges as owners of claims not so held.

FULL POWER TO CARRY OUT THIS ACT. Sec. 153. The Gold Commissioner shall have power to do all things necessary or expedient for the carrying out of the provisions of this Act.

ADMINISTRATION.

COMMISSIONER TO TAKE DECEASED MINER'S PROPERTY. Sec. 154. The Gold Commissioner shall take possession of the mining property of any deceased free miner, and may cause such mining property to be duly worked, or dispense therewith at his option.

COMMISSIONER TO ADMINISTER ESTATE OF INTESTATE DECEASED MINER. Sec. 155. The Gold Commissioner, or any person authorized by him, shall take charge of all the property of any deceased free miner until the issue of letters of administration or probate of the will, if any: Provided, however, that where any free miner shall die intestate, and the value of the personal estate of such deceased free miner is less than three hundred dollars, it shall not be necessary for the Gold Commissioner to obtain from any Court letters of administration, but in such case the Gold Commissioner may administer and wind up the personal estate of the deceased, and do all things necessary and proper therefor, and act in all respects as if letters of administration to the personal estate of such deceased free miner had been granted to such Gold Commissioner, and the Gold Commissioner shall produce and pass his accounts, in each estate of which he shall undertake the administration, before a Judge of the County Court of the district.

COUNTY COURTS.

Jurisdiction, Procedure, Forms, and Costs.

JURISDICTION OF COUNTY COURTS IN MINING MATTERS. Sec. 156. In addition to the jurisdiction and powers given to County Courts by the "County Courts Jurisdiction Act," and other Acts, every County Court shall have and exercise, within the limits of its district, all the jurisdiction and powers of a Court of Law and Equity.

(1.) In all personal actions, where the debt or damages claimed arise directly out of the business of mining (other than coal mining), or from the exercise of or interference with any right, power, or privilege given, or claimed to be given, by this Act or any other Act relating to mining (other than coal mining).

(2.) In all actions between employers and employes, where the employment is directly connected with the business of mining (other than coal mining).

(3.) In all actions for supplies to persons engaged in mining, where such supplies were bought, contracted for, or supplied, or were alleged to have been bought, contracted for, or supplied for mining purposes, or for consumption by persons engaged in mining or prospecting.

(4.) In all actions of trespass on or in respect of mineral claims or other mining property, or upon or in respect of lands entered or trespassed on, or claimed to have been entered or trespassed on, in searching for, mining, or working minerals (other than coal), or for any other purpose directly connected with the business of mining (other than coal mining), or in the exercise of any power or privilege given, or claimed to be given by this Act, or any other Act relating to mining (other than coal mining).

(5.) In all actions of ejectment from mineral claims or other minng property, or from lands entered, or claimed to have been entered, in searching for, mining, or working minerals (other than coal), or for any purpose directly connected with the business of mining, or entered, or claimed to have been entered, under some power, right or authority given or obtained under the provisions of this Act, or any other Act relating to mining (other than coal mining).

(6.) In all suits for foreclosure or redemption, or for enforcing any charge or lien, where the mortgage, charge or lien shall be on mineral claims, mines, or other mining property.

(7.) In all suits for specific performance of, or for reforming, or delivering up, or canceling any agreement for sale, purchase, or lease of any mineral claim, mine, or other mining property.

(8.) In all suits for the dissolution or winding up of any mining partnership, whether registered or not, under the provisions of this Act.

(9.) In all suits relative to water rights claimed under this Act, or any other Act relating to mining (other than coal mining).

(10.) In all proceedings for orders in the nature of injunctions, where the same are requisite for the granting of relief in any matter in which jurisdiction is given to the County Court by this Act.

"MINING JURISDICTION." Sec. 157. The jurisdiction given to County Courts by this Act shall be known as the "mining jurisdiction" of the County Court, and the words "mining jurisdiction" shall be written or printed on all summonses, writs and other process, and all other documents in every action or cause brought under the mining jurisdiction of the County Court.

POWERS OF COUNTY COURTS AND OFFICERS. Sec. 158. County Courts and County Court Judges, Registrars, Sheriffs, and other officers, shall have the same duties, powers, privileges, and authorities in all actions and suits, and other proceedings brought under the mining jurisdiction of the County Court, as they now have, or at any time hereafter may have, in actions and suits and other proceedings brought under the ordinary jurisdiction of the County Court, and the provisions of all Acts for the time being in force regulating the duties and powers of County Courts and County Court Judges, Registrars, Sheriffs, and other officers, and regulating the practice and procedure in County Courts, and all Rules and Orders for the time being applicable to the ordinary jurisdiction of the County Court, shall, so far as practicable and not inconsistent with this Act, apply to the mining jurisdiction of the County Court.

ADJOINING DISTRICTS. Sec. 159. Where disputes arise concerning mining property, portions whereof are situated in adjoining or different districts, the County Court of either of such districts before which the dispute is first brought shall determine it.

SUMMONSES RETURNABLE FORTHWITH. Sec. 160. The hearing of any summons, plaint, or other process in any County Court shall not be deferred beyond the shortest reasonable time necessary in the interests of all parties concerned, and it shall be lawful for the Registrar to make summonses or other proceedings returnable forthwith, or at any other time.

COURT MAY DECIDE ON THE GROUND. Sec. 161. In all mining actions or suits the Court may decide the question at issue upon the ground in dispute, and such decision shall be entered as in ordinary cases, and have the same virtue and effect as if rendered in Court.

ISSUES OF FACT MAY BE FOUND BY A JURY. Sec. 162. In any mining cause or suit, either party may require that the issues of fact shall be tried by a jury, and the Judge may, before delivering judgment in any action, suit, or other proceeding, direct all or any issues of fact to be found by a jury.

COSTS. Sec. 163. In all actions, suits, and other proceedings within the mining jurisdiction of the County Court, the

Judge may order that costs be taxed on the higher or lower scale allowed by the County Court Rules; or if he shall consider the case of sufficient importance, he may order that costs be taxed as in the Supreme Court, and the costs so ordered shall be the costs recoverable in such action, suit or other proceeding.

COUNTY COURT HAS JURISDICTION OVER LAND IN CERTAIN CASES. Sec. 164. Every County Court having jurisdiction in mining disputes shall, with reference to real estate held under the "Gold Mining Amendment Act, 1873," or under this Act, and notwithstanding any law to the contrary, have the same powers and authorities to decide all matters or disputes arising between the owners thereof, or between the owners thereof and any third person, or between mining joint stock companies, or between shareholders therein, or betwen them and the company, in the same way and as fully as it might do concerning claims not being real estate; and actions, suits, and other proceedings relating to such matters or disputes shall be brought and had in the same manner as actions, suits, or proceedings relating to mining claims not being real estate.

WRITS OF CAPIAS AD RESPONDENDUM, NE EXEAT REGNO AND CAPIAS AD SATIS FACIENDUM. Sec. 165. Any County Court Judge having jurisdiction in mining causes, may direct the issuing of writs of capias ad respondendum, ne exeat regno, and capias ad satisfaciendum in all cases in which by law he has jurisdiction over the subject-matter of the suit, but under and subject to such conditions as a Judge of the Supreme Court might usually require in applications of a similar nature.

SAVING JURISDICTION OF SUPREME COURT. Sec. 166. The jurisdiction given to the County Court by this Act shall not in any manner interfere with or lessen the jurisdiction of the Supreme Court.

PENAL AND MISCELLANEOUS.

PENALTY FOR CONTRAVENTION OF ACT. Sec. 167. Any person wilfully acting in contravention of this Act, or refusing to obey any lawful order of the Gold Commissioner or

of any Judge presiding in a Court shall, on conviction thereof in a summary way before any two Justices of the Peace or a Stipendiary Magistrate, or before any Judge of a Court having jurisdiction in mining disputes, be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment, with or without hard labor, for any term not exceeding three months.

RECOVERY OF PENALTIES. Sec. 168. All fines and penalties imposed or payable under this Act may be recovered by distress and sale of any mining or other personal property of the offender, and in default by imprisonment, with or without hard labor, for any term not exceeding three months.

FINES, ETC. Sec. 169. All fees, rents, fines, penalties and other moneys collected under this Act shall be paid into the Provincial Treasury.

SAVING RIGHTS EXISTING BEFORE THE PASSING OF THIS ACT. Sec. 170. Nothing herein contained shall, save where such intention is expressly stated, be so construed as to affect prejudically any mining rights and interests acquired prior to the passing of this Act; and all mining rights and privileges heretofore and hereunder acquired shall, without the same being expressly stated, be deemed to be taken and held subject to the rights of Her Majesty, Her heirs and successors, and to the public rights of way and water.

COPIES OF ACT. Sec. 171. Every free miner, on application to the Mining Recorder, shall be entitled to a printed copy of this Act.

BEFORE WHOM AFFIDAVITS MUST BE MADE. Sec. 172. Affidavits and declarations made under the provisions of this Act shall be made before some Judge or Registrar of a Court of Record, or before some Gold Commissioner, Mining Recorder, Stipendiary Magistrate, Justice of the Peace, Notary Public, or Commissioner for taking affidavits.

TAXATION.

MINES AND MONEYS INVESTED THEREIN NOT EXEMPT. Sec. 173. (1895, c. 40, s. 12.) Notwithstanding anything contained in the said "Placer Mining Act, 1891," or amendments thereto, mines and moneys invested therein shall

not be exempt from taxation, but shall bear such rate as may be imposed by any law in force in the Province.

RULES AND REGULATIONS.

LIEUT.-GOVERNOR MAY MAKE RULES, ETC. Sec. 174. The Lieutenant-Governor in Council may make such orders as are deemed necessary from time to time to carry out the provisions of this Act according to their true intent, or to meet the cases which may arise and for which no provision is made in this Act, or when the provision which is made is ambiguous or doubtful; and may also make regulations for relieving against forfeitures arising under placer mining act, 1891; and may further make and declare any regulations which are considered necessary to give the provisions in this clause contained full effect; and from time to time alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead; and further impose penalties not exceeding two hundred dollars, or not exceeding three months' imprisonment, for violation of any regulations under this Act; and further provide that any statement or returns required to be made by said regulations shall be verified on oath. Every order or regulation made by virtue of the provisions of this section shall have force and effect only after the same has been published for two successive weeks in the British Columbia Gazette; and such orders or regulations shall be laid before the Legislative Assembly within the first fifteen days of the Session next after the date thereof.

PENDING LITIGATION NOT AFFECTED. Sec. 175. (1895, c. 40, s. 14.) Nothing in this Act (1895, c. 40, s. 14) shall affect litigation pending on the first February, 1895.

For every Free Miner's Certificate issued to a joint Stock Company.. ... ...$	5 00
(a.) Having a nominal capital of $100,000 or less.....	50 00
(b.) Having a nominal capital exceeding $100,000.....	100 00
Every substituted certificate.....	1 00
Recording any claim for each year..	2 50
Re-recording any claim for each year...	2 50
Recording any "lay over," or every other record required to be made in the "Record Book".....	2 50
Recording every abandonment, including the memorandum to be written on the record.....	2 50
For any other record made in the "Record of Abandonments"	2 50
For recording every affidavit, where the same does not exceed three folios of 100 words.....	2 50
For every folio over 3, 30 cents per folio.	
The above rate shall be charged for all records made in the "Record of Affidavits."	
For all records made in the "Record of Conveyances," where the same do not exceed three folios.....	2 50
For every folio over three, a further charge of 30 cents per folio.	
For all copies or extracts from any record in any of the above named books, where such copy or extract shall not exceed three folios, per copy.....	2 50
Where such copies or extracts exceed three folios, 30 cents per folio for every folio over three.	
For filing any document.....	1 00
For every lease.....	5 00

APPENDIX A.

SHORT TITLE. Sec. 1. This act may be cited as the "Mineral Claim Confirmation Act, 1893."

NOT TO AFFECT THE TITLE TO CERTAIN CLAIMS. Sec. 2. The title to any claim bona fide located in accordance with the provisions of the "Mineral Act, 1891," after the passage of the "Mineral Act (1891) Amendment Act, 1892," but before the receipt by the Mining Recorder of the district in which such claim is recorded of intelligence that such Amendment Act had been passed, and of the nature of the provisions

respecting the size, shape, and method of staking mineral claims thereby substituted for the provisions previously existing, shall be in nowise affected or prejudiced by the passage of the said "Mineral Act (1891) Amendment Act, 1892," but such claim shall be held to all intents and purposes as if located before the passage of the said "Mineral Act (1891) Amendment Act, 1892."

DECLARATION TO BE SENT TO THE MINISTER OF MINES BY THE MINING RECORDER. Sec. 3. Every Mining Recorder shall transmit to the office of the Minister of Mines, to be there received and filed, on or before the 31st day of December, 1893, a declaration in the form in the Schedule hereto, made before any person authorized to take the same, and such declaration, or an office copy thereof, shall, for the purpose of the preceding section, be conclusive evidence of the facts therein stated in all Courts of the Province.

And whereas it is provided by sections 44 and 45 of the "Placer Mining Act, 1891," that no transfer of any placer claim, or of any interest therein, shall be enforceable unless the same or some memorandum thereof shall be in writing, signed by the transferrer, or by his agent authorized in writing, and recorded in the Record of Conveyances, and that the transfer of any real estate acquired under the provisions of the "Gold Mining Amendment Act, 1873," shall be in writing, signed by the transferrer, or his agent authorized and attested by a subscribing witness.

And whereas similar provisions were made by sections 38 and 56 of the "Gold Mining Ordinance, 1867," being chapter 123 of the "Consolidated Statutes of British Columbia, 1877," as follows:

"38. No transfer of any claim, or of any interest therein, shall be enforceable, unless the same or some memorandum thereof shall be in writing, signed by the transferrer, or by his legally authorized agent, and registered with the Gold Commissioner.

"56. The transfer of any mining ground, or of any portion thereof acquired or held under the provisions of the 'Gold Mining Amendment Act, 1893,' shall be in writing, but need not be by deed, but such transfers may be made in writing, according to the practice hitherto established under this ordinance."

And whereas, acting under the said sections, and in accord-

ance with traditional customs among miners, numerous informal documents were drawn, delivered and accepted as absolute transfers of the entire estate of the grantors, whereas the legal effect of the same was only to pass a lesser estate.

And whereas it is now frequently impossible to ascertain the existence or whereabouts of the grantors of such instruments or their heirs, and consequently, the titles to numerous placer claims are clouded by the defects in such instruments, and it is desirable that such defects should be cured; be it therefore enacted:

VALIDATES INFORMAL BONA FIDE TRANSFERS. Sec. 4. Every instrument, memorandum of sale, or other writing, whether under seal or not, executed before the passing of this Act, purporting to transfer any interest in any placer claim or claims held under the authority of the mining laws of the Province in force at the time of such transfer, from which, by reason of its customary use, or from other satisfactory reasons, it is plainly deducible that the intention of the maker thereof was to pass to the transferee the maker's entire interest in such claim or claims, shall, unless some reservation or exception or contrary intention appears, otherwise than by the omission of proper operative words, or of words of inheritance, or by the presence of some other informality, or of one or more such, pass, and be deemed to have passed, to the transferee an estate of fee simple in the premises, or other the full estate held or possessed by the maker.

COPY OF RECORD MAY BE USED FOR REGISTRATION PURPOSES. Sec. 5. Where, by reason of the loss of the documents of title to any such claim, it is impossible to produce the same for purposes of registration, it shall be sufficient to entitle an applicant to have his title registered under the Land Registry Acts, to produce to the Registrar of Titles a copy of the record of such transfer or transfers, certified under the hand of the Mining Recorder in whose office are the books of record in which any such transfer is recorded.

SCHEDULE.

In the Matter of the "Mineral Claims Confirmation Act, 1893."

I,....., of the..... of....., in the Electoral District

of....., Mining Recorder for the.....Mining Division of the said Electoral District, do hereby solemnly declare:

(1) That prior to the.....day of.....A. D., 1892, I had received no intelligence that the "Mineral Act (1891) Amendment Act, 1892," had been passed by the Legislative Assembly, and that the alterations thereby made respecting the size, shape and method of staking mineral claims were in force.

(2) That between the 23rd day of April, 1892, being the date of the passage of the said "Mineral Act (1891) Amendment Act, 1892," and the said..... day of....., A. D., 1892, there were recorded in this office, in accordance with the provisions of the "Mineral Act, 1891," the mineral claims in the appendix hereto, by the parties whose names are in said appendix set opposite the names of each mineral claim respectively, on the dates in said appendix shown.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act Respecting Extra-judicial Oaths." .....(Signature.)

Declared before me at the.....of....., in the.....of....., this.....day of....., A. D. 1893.

....., Justice of the Peace (or as the case may be).

APPENDIX.

Date of Record.	Name of Claim.	Locator's Name.

APPENDIX B.

Extract from "Execution Act Amendment Act, 1895."

CHAPTER 21.

PLACER CLAIMS AND OTHER MINERAL PROPERTY MAY BE SEIZED AND SOLD. Sec. 4 of the "Execution Act" is hereby repealed, and the following substituted therefor.

4. Notwithstanding anything to the contrary contained in this Act, any interest which a free miner has in any mineral claim before the issue of a Crown grant therefor, or in any mining property as defined in the 'Mineral Act, 1891,' and amendments thereto, and any placer claim and mining property, as defined in the 'Placer Mining Act, 1891,' and amendments thereto, may be seized and sold by the Sheriff, under and by virtue

of an execution issued against goods and chattels: Provided, however, that this section shall not affect any suit now pending in the Supreme Court or any Court in this Province."

"A. D. 1897. Notwithstanding anything to the contrary in section 4 of the 'Mineral Act, 1896,' or section 4 of the 'Placer Mining Act, 1891,' or elsewhere in the said Acts or other the mining laws of the Province, no free miner's certificate shall be issued to a joint stock company for a longer period than one year; and such certificate shall date from the 30th day of June in each year; and every free miner's certificate held by a joint stock company at the passing of this Act shall be valid and existing until and shall expire on the 30th day of June, 1897. Upon applying to renew any such certificate on or before said 30th day of June, the joint stock company shall be entitled to a rebate of a proportionate amount of the fee paid for a certificate heretofore issued according to the further time for which it would but for this section have been valid."

6th of May, 1897.

AN ACT TO FURTHER AMEND THE "PLACER MINING ACT, 1891."

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Placer Mining Act (1891) Amendment Act, 1897."

2. "Joint Stock Company" shall mean any company for mining purposes.

(a.) Incorporated under the "Companies Act, 1897," or any Act repealed thereby; or

(b.) Registered as a foreign company under any Act repealed by the "Companies Act, 1897," or

(c.) Licensed or registered as an extra-Provincial company under the "Companies Act, 1897," or

(d.) Incorporated by any special Act.

3. The section substituted by section 14 of the "Placer Mining Act Amendment Act, 1896," for section 124 of the "Placer Mining Act, 1891," is hereby repealed, and the following inserted in lieu of said section 124:—

"124. When any placer mining ground is held under lease,

and such mining ground shall have been efficiently worked, as required by the conditions of the lease, to the satisfaction of the Gold Commissioner, and if at the expiration of the lease a portion of said mining ground remains still to be worked, the lessee may obtain an extension of the lease, upon the same conditions as the original lease, for such reasonable time as will enable him to work out such portion of said mining ground as still remains unworked, and the Gold Commissioner may, with the sanction of the Lieutenant-Governor in Council, grant such extension by memorandum endorsed on the lease: Provided, that whenever the mining ground so held under lease has been forfeited, abandoned, or worked out, and when the ditch or flume constructed for conveying water has a carrying capacity of not less than five hundred inches of water, and shall have cost not less than five thousand dollars, such ditch or flume shall remain the property of the owner thereof."

4. Sub-section (m) of section 151 of the "Placer Mining Act, 1891," is hereby repealed, and the following inserted in lieu thereof:—

"(m.) He may grant leases of placer mining ground, and he may grant renewals of such leases, and exercise all such powers as are specified in Part VII of this Act."

5. Any free miner, or two or more free miners, holding adjoining leases as creek claims may consolidate as many as ten leases, by filing with the Mining Recorder a declaratory statement containing the name of the company or partnership which is to hold the consolidated lease, the location and size of each lease; and such statement shall be signed by the holder or holders of the leases to be consolidated. After filing such declaratory statement such free miner, or free miners, shall be allowed in each and every year to perform, on any one or more of such leases, all the work that is necessary to be performed to hold all such leases.

6. The following sections and parts of sections are hereby repealed:—

(a.) Section 134 of the "Placer Mining Act, 1891."

(b.) Sections 15 and 16 of the "Placer Mining Act Amendment Act, 1896."

(c.) Sub-section (e) of section 103, sub-section (k) of section 151, and sub-section (9) of section 156, of the "Placer Mining Act, 1891."

7. The schedule of fees in the "Placer Mining Act, 1891," is hereby amended by striking out "For every free miner's certificate (for each year) $5.00," and insert the following:—

For every free miner's certificate issued to an individual.$ 5 00

For every free miner's certificate issued to a joint stock company,—

(a.) Having a nominal capital of $100,000 00 or less.. 50 00

(b.) Having a nominal capital exceeding $100,000 00.. 100 00

WATER RIGHTS AND PRIVILEGES. The Legislative Assembly of the Province of British Columbia have recently revised and consolidated the water laws of the Province. See page 480. It is known as the WATER CLAUSES CONSOLIDATION ACT OF MAY 8TH, 1897.

COAL MINING LAWS OF BRITISH COLUMBIA.

(As amended in 1890, 1891, 1892, and 1895.)

SHORT TITLE.—CHAPTER 83.

Sec. 1. This Act may be cited as the "Coal Mines Act." 1883, c. 3, s. 22.

PROSPECTING LICENSE.

Sec. 2. Any person desirous of prospecting for coal or petroleum and acquiring a lease of any lands held by the Crown for the benefit of the Province, under which coal measures or petroleum are believed to exist, or wishing to procure a license for the purpose of prospecting for coal or petroleum upon lands under lease from the Crown, in which the mines and minerals, and power to work, carry away, and dispose of the same, is excepted or reserved, shall, before entering into possession of the particular part of said coal lands he or they may wish to acquire and work for coal, place at one angle or corner of the land to be applied for a stake or post, at least four inches square, and standing not less than four feet above the surface of the ground; and upon such initial post he shall inscribe his name, and the angle represented thereby, thus: "A. B.'s N. E. corner" (meaning Northeast corner), or as the case may be, and shall cause a written or printed notice of his intention to apply for such a license to be posted on some conspicuous

part of the land applied for by him, and on the Government Office of the district for thirty clear days. He shall also publish a notice of his intention to apply for such license for thirty days in the British Columbia Gazette, and in some newspaper circulating in the district. 1892, c. 31, s. 2.

Sec. 3. After the expiration of the thirty days' notice, and within two months from the date of its first application in the British Columbia Gazette, he shall make application in writing to the Assistant Commissioner of Lands and Works for the district within which the land acquired is situate, for a prospecting license over such land for any term not exceeding one year. Such application shall be in duplicate, and shall be illustrated by plans or diagrams showing approximately the position thereof, and shall give the best practicable written description of the plot of land over which the privilege is sought; and the application shall be accompanied by a fee of fifty dollars for each and every licensee. The Assistant Commissioner shall then forward one copy of the application and plan, together with the fees and his report, to the Chief Commissioner of Lands and Works, who shall, if no valid objection has been substantiated, grant to such applicant a prospecting license as aforesaid. 1892, c. 31, s. 3.

Sec. 4. Every piece of land sought to be acquired under the provisions of this Act shall be of a rectangular shape, and each license shall include within the general limits therein defined land not exceeding six hundred and forty acres for each licensee, and such land shall be in one block. Six hundred and forty acres shall measure eighty chains by eighty chains, and all lines shall be run true north and south, and true east and west. 1892, c. 31, s. 4.

Sec. 5. It shall be lawful for the Lieutenant-Governor in Council to grant a lease of lands covered by a prospecting license, for coal mining purposes, to any licensee who produces satisfatory evidence that he has discovered coal on the lands held under his license, for a term of five years, at an annual rental of ten cents per acre; "and if during the term of such lease, or at the expiration of such term and within three months thereafter, the lessee can show conclusively that he has continuously and vigorously prosecuted the work of coal mining, and has fully carried out the provisions of his lease, he shall be entitled to purchase the said lands at the rate of

five dollars per acre, payable in full in one payment at the time of sale." 21 Feb., 1895.

(a.) Provided that a lease shall not be issued until after the land has been surveyed in a legal manner, and to the satisfaction of the Chief Commissioner of Lands and Works, by the applicant.

(b.) Provided, also, that in addition to the annual rental of ten cents per acre the lessee shall pay to and for the use of Her Majesty a royalty of five cents per ton upon every ton of merchantable coal and one cent per barrel on all petroleum raised or gotten from the leased premises.

(c.) Provided, further, that the lease shall contain provisions binding the lessee to carry on coal mining, and works incidental thereto, continuously, and to make reasonable use, within reasonable periods, of the premises thereby granted, and to apply the same to the purposes intended, to the satisfaction of the Chief Commissioner of Lands and Works. And any such lease may be subject to any general stipulations which the Lieutenant-Governor in Council may see fit to impose.

(d.) Provided, also, any number of persons, not exceeding ten, uniting in partnership for the purpose of holding and working coal or petroleum lands which adjoin each other, and for which leases have been granted, shall be entitled to work such land as a firm, and in such case it shall not be necessary for each leasehold to be worked separately, provided work is carried on upon any one of them to the satisfaction of the Chief Commissioner of Lands and Works. 1892, c. 31, s. 5.

Secs. 6, 7, 8. (Repealed by 1892, c. 31, s. 1.)

Sec. 9. Every license shall absolutely cease at the expiration thereof, and a new license over the same land or any part thereof may be granted to any new applicant upon complying with the requirements of this Act. 1883, c. 3, s. 9.

Sec. 10. Every applicant, upon proving to the satisfaction of such Chief Commissioner of Lands and Works or Assistant Commissioner that he has bona fide explored for coal during the said term of one year, shall be entitled to an extension of the said term for the second period of one year, upon payment of a further sum of fifty dollars for each and every licensee. 1883, c. 3, s. 7.

An extension of the term for a third period of one year may be granted on like conditions and terms as the first extension. 21 Feb., 1895.

"(a.) Provided, also, any number of license holders, not exceeding ten, uniting in partnership for the purpose of prospecting for coal or petroleum on lands which adjoin each other, and which are covered by the licenses held by such license holders, shall be entitled to prospect such land as a firm; and in each case it shall not be necessary for each license holder to prospect separately, provided prospecting is carried on upon the land covered by one of the said licenses, to the satisfaction of the Chief Commissioner of Lands and Works." 21 Feb., 1895.

Sec. 11. Every person holding a prospecting license may use the timber and stone on the land included in such license for the purpose of his mining operations, and for erection of buildings on said land, but not further or otherwise. 1883, c. 3, s. 10.

Sec. 12. In case of any dispute as to the right or title to a prospecting license or to any claim under this Act, the same shall be decided by the County Court or a Judge thereof, upon petition, in a summary way, who shall have full power to order what shall be done in the premises, and as to the costs thereof. 1883, c. 3, s. 11.

Sec. 13. No prospecting license issued under this Act shall be transferred by the licensee to any other person without a written notice to the Chief Commissioner of Lands and Works shall have been first given. 1883, c. 3, s. 12.

Sec. 13a. (Repealed by 1892, c. 31, s. 1.)

Sec. 13b. No coal prospecting license shall be issued over any Crown lands which have been leased, or in respect of which a timber license has been issued, unless and until due security be given, to the satisfaction of the Chief Commissioner of Lands and Works, for payment of any damage which may ensue to the leaseholder or licensee in respect of the operations to be carried on under such coal prospecting license. 1890, c. 32, s. 3.

Sec. 13c. Notwithstanding anything in any Act contained, it shall be lawful to grant licenses to prospect for coal over reserved lands, but such licenses shall be subject to such restrictions, conditions, and regulations as may be imposed by the Lieutenant-Governor in Council. 1891, c. 15, s. 16.

RIGHTS OF WAY.

Sec. 14. It shall be lawful for any proprietor or proprietors of a mine to acquire such a portion of any Crown lands, or lands held under pre-emption or Crown grants, lease or license, by any person or persons, as may be necessary for affording to the proprietors of any mine communication with the seashore, or any river, or public highway, together with a block of land not exceeding five acres at the terminus of such line of communication, at the sea, river, highway, or other place of shipment: Provided, always, that the land so acquired shall only be used for transporting, storing, and shipping coal, and for receiving and transporting such materials, commodities, and persons as may be essential to the successful transaction of the business of such mine. 1873, No. 3, s. 6; 1881, c. 15, s. 6; 1890, c. 32, s. 4.

Sec. 15. The conveyance of any land acquired under the provisions of the foregoing section shall not confer upon the grantee or grantees therein named the right to the ownership of any minerals thereunder, except by consent of the grantor named in such conveyance. 1873, No. 3, s. 7.

Sec. 16. Prior to the acquisition of such land, compensation shall be given to the person whose land shall be taken, and if the amount of such compensation and the quantity of land to be taken shall not be agreed upon between the person whose land is to be taken and the proprietors of the mine, the amount thereof shall be ascertained by arbitration in the following manner. 1873, No. 3, s. 8.

Sec. 17. In the event of the parties not concurring in the appointment of a single arbitrator, each of such parties, on the request of the other party, shall nominate and appoint an arbitrator, to whom such dispute shall be referred, and every appointment of an arbitrator shall be made, on the part of each party under his hand, or if a corporation aggregate under the common seal of such corporation; and such appointment shall be delivered to the arbitrator, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death or removal from office of either party operate as a revocation; and if after any such dispute shall have arisen a request in writing, in

which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last mentioned party fail, for fourteen days after service of such request, to appoint such arbitrator, then upon such failure the party making request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final. 1873, No. 3, s. 9.

Sec. 18. If, before the matters so referred shall be determined, any arbitrator appointed by either party die or become incapable, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if, for the space of seven days after notice in writing from the other party for that purpose, he fails to do so, the remaining or other arbitrator may proceed ex parte; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability aforesaid. 1873, No. 3, s. 10.

Sec. 19. Where more than one arbitrator has been appointed, such arbitrator shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide on any such matters on which they shall differ; or if such umpire shall die, or refuse, or become incapable to act, they shall forthwith after such death, refusal, or incapacity, appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final. 1873, No. 3, s. 11.

Sec. 20. If, in any or either of the cases aforesaid, the said arbitrators shall refuse or shall, for seven days after request of either party to such arbitration, neglect to appoint an umpire, two Justices of the Peace shall, on the application of either party to such arbitration, appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall differ shall be final. 1873, No. 3, s. 12.

Sec. 21. If, when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined under the provisions of this Act, in

the same manner as if such arbitrator had not been appointed. 1873, No. 3, s. 13.

Sec. 22. If, where more than one arbitrator has been appointed, either of the arbitrators refuse or for seven days neglect to act, the other arbitrator may proceed ex parte; and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties. 1873, No. 3, s. 14.

Sec. 23. If, where more than one arbitrator shall have been appointed, and where neither of them shall neglect or refuse to act as aforesaid. such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid. 1873, No. 3, s. 15.

Sec. 24. The costs of the arbitration and award shall be in the discretion of the said arbitrators or umpire, who may award by whom, to whom, and in what manner the same may be paid. 1872, No. 3, s. 16.

Sec. 25. The submission to any such arbitration may be made a rule of the Supreme Court, on the application of either of the parties. 1873, No. 3, s. 17.

Sec. 26. No award shall be set aside for irregularity or error in matter of form. 1873, No. 3, s. 18.

Sec. 27. The arbitrators or umpire may, by summons or order in writing, signed by any one of them. to be served upon or left at the last usual place of residence of the person to whom it is addressed, command the attendance, from any part of the Province, of any witness, or the production of any documents required by any of the parties, and may swear the said witness to testify truly respecting the matters on which he is to be interrogated; and the disobedience of such summons or order shall subject the person disobeying to a penalty of not less than five dollars, nor more than twenty-five dollars, to be recovered before any Justice of the Peace, and levied under the warrant of such Justice, by distress and sale of the goods and chattels of the offender, unless such person establishes reasonable cause for such disobedience. 1873, No. 3, s. 19.

PART IX.

BRITISH COLUMBIA WATER CONSOLIDATION ACT

AND

NORTHWEST TERRITORY CONSOLIDATED IRRIGATION ACT.

PART 9.

BRITISH COLUMBIA WATER CLAUSES CONSOLIDATION ACT OF 8 MAY, 1897.

CHAPTER 45.

An Act to confirm to the Crown all unrecorded and unappropriated Water and Water-power in the Province, and to consolidate and amend the law relating to the acquiring of Water-rights and Privileges for ordinary domestic, mining and agricultural purposes, and for making adequate provision for municipal water supply, and for the application of water-power to industrial and mechanical purposes.

Whereas by the "Water Privileges Act, 1892," all water and water-power in the Province, not under the exclusive jurisdiction of the Parliament of Canada, remaining unrecorded and unappropriated on the 23rd day of April, 1892, were declared to be vested in the Crown in right of the Province, and it was by the said Act enacted that no right to the permanent diversion or exclusive use of any water or water-power so vested in the Crown should after the said date be acquired or conferred save under privilege or power in that behalf granted or conferred by Act of the Legislative Assembly theretofore passed, or thereafter to be passed:

And whereas the "Land Act," the "Placer Mining Act, 1891," and the "Mineral Act, 1896," contain provisions authorizing the diversion and use of water from natural water-courses and the acquisition of rights to the use of water upon the conditions as to such acquisition and diversion in the said Acts contained:

And whereas is is necessary and expedient at the present Session, to provide for the due conservation of all water and water-power so vested in the Crown as aforesaid, and to provide means whereby such water and water-power may be made available to the fullest possible extent in aid of the industrial development, and of the agricultural and mineral resources of the Province:

And whereas for the furtherance of the purposes aforesaid, it

is expedient to enact an exclusive and comprehensive law governing the granting of water-rights and privileges, and to provide and regulate the mode of acquisition and enjoyment of such privileges, and the royalties payable to the Crown in respect thereof:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

SHORT TITLE.

Sec. 1. This Act may be cited as the "Water Clauses Consolidation Act, 1897."

INTERPRETATION.

Sec. 2. In the construction and for the purposes of this Act (if not inconsistent with the context or subject-matter) the following terms shall have the respective meanings hereinafter assigned to them:—

"Chief Commissioner of Lands and Works" shall mean and include the Chief Commissioner of Lands and Works, and any person for the time being lawfully acting in that capacity.

"Commissioner" shall mean the Chief Commissioner of Lands and Works of this Province, or the person acting as such for the time being, and shall include every Stipendiary Magistrate for the time being in charge of any district, and every person duly authorized by the Lieutenant-Governor in Council to act as and for the Chief Commissioner of Lands and Works, as Assistant Commissioner of Lands and Works in any district in which the land that may be referred to lies, other than that in which the chief office of the Lands and Works Department is situated, and any other district or districts for which no such Assistant Commissioner of Lands and Works as aforesaid has been appointed.

"Crown lands" shall mean all lands of this Province held by the Crown without incumbrance.

"Gold Commissioner" shall mean and include the person for the time being holding the office of Gold Commissioner by appointment of the Lieutenant-Governor in Council under the "Mineral Act," and having territorial jurisdiction.

"Water" or "streams" shall include all natural water-courses, whether usually containing water or not, and all rivers, creeks, and gulches; and all water-power, not being waters under the exclusive jurisdiction of the Parliament of Canada.

"Unrecorded water" shall mean all water which for the time being is not held under and used in accordance with a record under this Act, or under the Acts repealed hereby, or under special grant by Public or Private Act, and shall include all water for the time being unappropriated or unoccupied, or not used for a beneficial purpose.

"Ditch" shall include a flume, pipe or race, or other artificial means for conducting or diverting water.

"Ditch-head" or "point of diversion" shall mean the point in a natural stream or lake, or other source where water is first taken into a ditch.

"Record" shall mean an entry in some official book kept for that purpose.

"Mine" shall include "claim" and "mineral claim," and shall mean any land held or occupied under the provisions of the mining laws of the Province, for the purpose of winning and getting therefrom minerals whether precious or base; and whether held in fee simple or by virtue of a record or lease; and "owner of a mine" shall mean owner of a mine as above defined.

"Owner of land" shall include pre-emptor or other lawful occupant of Crown Lands.

"Municipality" shall include municipal corporation.

"Unincorporated locality" shall mean and include any portion of the Province not exceeding two thousand acres in area, and not being or comprising a municipality, or portion thereof.

"Specially incorporated company" shall mean a company incorporated pursuant to the provisions of section 133 hereof.

In defining any word or expression used in this Act relating to a municipality or to municipal matters and not by this section expressly defined, reference may be had to the interpretation section of the "Municipal Clauses Act, 1896."

In defining any word or expression used in this Act relating to mines and minerals and not by this section expressly defined, reference may be had to the interpretation section of the "Mineral Act, 1896," and of the "Placer Mining Act, 1891."

DIVISION OF ACT.

Sec. 3. This Act is divided into six parts, relating to the following subject-matters:—

Part I.—Confirming to the Crown all unrecorded water.

Part II.—The acquisition of water by record for ordinary domestic, agricultural and mining purposes.

Part III.—The supplying of water by water-works systems to cities, towns and unincorporated localities.

Part IV.—The acquisition of water for industrial or manufacturing purposes by Companies entitled under their terms of incorporation to avail themselves of the provisions of this Part.

Part V.—Procedure for the expropriation and acquisition of land in aid of the exercise by Municipal Corporations or incorporated companies of the privileges and powers conferred and created by Parts III and IV of this Act.

Part VI.—Regulations, and repeal of former enactments.

I.

CONFIRMING TO THE CROWN ALL UNRECORDED WATER.

Sec. 4. The right to the use of the unrecorded water at any time in any river, lake, or stream, is hereby declared to be vested in the Crown in the right of the Province, and, save in the exercise of any legal right existing at the time of such diversion or appropriation, no person shall divert or appropriate any water from any river, water-course, lake, or stream, excepting under the provisions of this Act, or of some other Act already or hereafter to be passed, or except in the exercise of the general right of all persons to use water for domestic and stock supply from any river, lake, or stream vested in the Crown, and to which there is access by a public road or reserve.

Sec. 5. No right to the permanent diversion or to the exclusive use of the water in any river, lake. or stream shall be acquired by any riparian owner, or by any other person, by length of use or otherwise than as the same may be acquired or conferred under the provisions of this Act, or of some existing or future Act of Parliament.

Sec. 6. The Lieutenant-Governor in Council may from time

to time impose and reserve to the Crown, in right of the Province, such rents, royalties, tolls and charges in respect of the waters, or of the lands of the Crown and of the powers, rights and privileges which may be acquired in pursuance of this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper, and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls and charges, or any of them.

(a.) Provided, that where by Order in Council such rents, royalties, tolls and charges are fixed in respect of any power, right or privilege, the same shall be permanent for the space of three years next succeeding the passing of such Order in Council fixing the same, and thereafter shall be subject to triennial adjustment, increase or decrease.

II.

THE ACQUISITION OF WATER BY RECORD FOR ORDINARY DOMESTIC, AGRICULTURAL, AND MINING PURPOSES.

Sec. 7. Every right, power, and privilege conferred by and acquired under this Act shall be subject to and conditional upon the reasonable use for the purposes for which such right, power, or privilege is conferred and acquired.

(a.) Provided that a mortgagee or encumbrancer shall, notwithstanding abandonment or non-use on the part of the mortgagor, under his mortgage or encumbrance, hold all records and water rights appurtenant to the lands or mine charged for such period as may be reasonable to enable him to realize his security; and the question of what is a reasonable time shall, in each case, be a question of fact dependent on the special circumstances, and to be determined by the Commissioner or Gold Commissioner.

Sec. 8. Every owner of land may secure the right to divert unrecorded water from any stream or lake for agricultural, or for mechanical or industrial purposes, and purposes incidental thereto, to an amount reasonably necessary therefor, upon obtaining a record thereof in manner hereinafter appointed.

Sec. 9. Thirty days previous to the making of the Record the applicant shall post, at the following places, a notice in

writing of his intention to apply for the record therein referred to, viz.: At the point of proposed diversion; on the ground on which such water is intended to be used; on each person's land to be crossed by the water in course of transit to the place of user; and in the office of the Commissioner for the District.

2. Such notice shall contain the following particulars:

(a.) The name of the applicant.

(b.) The name, or if unnamed, a sufficient description of the stream, lake, or other source from which such water is intended to be taken.

(c.) The point of diversion or intended ditch-head where the water is diverted from any stream for the purpose of developing power, the applicant shall also state the point at which it is to be returned and the difference in altitude between the point of diversion and the point where it is to be returned; where the water is to be used for mining purposes the point where the water is to be returned to the stream shall be given.

(d.) The means by which it is intended to store or divert the same.

(e.) The number of inches of water applied for.

(f.) The purpose for which it is required, stated with reasonable particularity.

(g.) The land upon which the water is to be used.

(h.) The date of the posting of the notice, and the date on which application will be made to the Commissioner for the granting of the record.

Sec. 10. Every owner of a mine may secure the right to divert unrecorded water from any stream or lake for any mining purpose, or other purposes incidental thereto, or for milling, concentrating or other purposes in connection with the working of his mine, to an amount reasonably necessary therefor, upon obtaining a record thereof in manner hereinafter provided.

Sec. 11. Thirty days previous to the making of the record the applicant shall post at the following places a notice in writing of his intention to apply to the Gold Commissioner for the record therein referred to, at the following places, viz:—

1. At the point of proposed diversion; on the mine on which such water is intended to be used; on each mine or person's land to be crossed by the water in course of transit to the place of user; and in the office of the Mining Recorder

for the District; and shall forward a copy of his notice of application to the Gold Commissioner.

2. Such notice shall contain the following particulars:

(a.) The name of the applicant.

(b.) The number of the applicant's free miner's certificate.

(c.) The name, or if unnamed, a sufficient description of the stream, lake, or other source from which such water is intended to be taken.

d.) The point of diversion or intended ditch-head where water is diverted from any stream for the purpose of developing power, the applicant shall also state the point at which it is to be returned and the difference in altitude between the point of diversion and the point where it is to be returned; where the water is to be used for mining purposes the point where the water is to be returned to the stream shall be given.

(e.) The means by which it is intended to store or divert the same.

(f.) The number of inches of water applied for.

(g.) The purpose for which it is required, stated with reasonable particularity.

(h.) The mine upon which the water is to be used.

(i.) The date of the posting of the notice, and the date on which application will be made to the Gold Commissioner for the granting of the record.

Sec. 12. On the day mentioned in the notice of application, or at a subsequent day and time to be fixed by the Commissioner or Gold Commissioner, as the case may be, application shall be made by or on behalf of the applicant, either by attendance in person or by agent, or in writing, for a record in accordance with the terms of the notice.

Sec. 13. The Commissioner or Gold Commissioner shall at such day and time proceed to adjudicate upon the application, and upon proof to his satisfaction of the publication of notice in manner aforesaid, and of the right of the applicant to apply for a record under the foregoing provisions of this Act or any of them, and of the volume of unrecorded water available for diversion, having regard to existing rights and records, whether held by land owners or mine owners and to pending applications, may grant to the applicant a record of such amount of water and for such purposes as in the discretion of the Commissioner or Gold Commissioner shall be reasonably required by the applicant for the purposes specified in his notice of application.

Sec. 14. The Commissioner or Gold Commissioner may adjourn such adjudication from time to time as circumstances may render expedient, and shall have power to take evidence by statutory declaration and to summon and examine witnesses upon oath, and to hear all parties whose rights are or may be affected by the application.

Sec. 15. The record granted upon such application shall be forthwith entered by the Commissioner, or Gold Commissioner, in the Book of Record of Water Rights, and shall contain the particulars required to be contained in the notice of application as confirmed by or modified upon the adjudication and any other particulars directed to be inserted therein by Regulations in that behalf, with such additions and variations as circumstances may require.

2. A certified copy of the record shall be furnished by the Commissioner, or Gold Commissioner, to the applicant, and shall, without proof of the signature of the Commissioner, or Gold Commissioner, be evidence in all courts and proceedings of the matters in such record set forth.

3. The Gold Commissioner shall forthwith forward a certified copy of every record made by him to the Mining Recorder of the district or place in which the water comprised in such grant is to be used, and the Recorder shall, without fee, transcribe such copy into his Book of Record of Water Rights.

Sec. 16. On any dispute arising prior to record, priority of notice of application shall constitute priority of right.

Sec. 17. A record shall speak from the day on which it is made.

Sec. 18. Any owner of land or owner of a mine who would be entitled to apply for a record of the water in any stream or lake, if the same were unrecorded, and who is desirous of obtaining a record of the same but is prevented, wholly or in part, by the existence of prior records, whether obtained under this or any other Act, may apply ex parte to the Commissioner, or Gold Commissioner, for leave to apply for a record, notwithstanding the existence of such prior records, and upon the furnishing to such Commissioner, or Gold Commissioner, of prima facie proof that the water allowed to be diverted by any or all of such existing records is wholly, or in part, unused thereunder, or unnecessary for, or in excess of the requirements of the purposes specified therein, such Commissioner, or Gold Commissioner, shall, by writing under his

hand, authorize such owner to give notice of his intention to apply, and to apply, for a record of the water of such lake or stream, and such owner may thereupon apply for a record accordingly, and shall post up and forward notice of his application, and proceed therein in form and manner hereinbefore provided for the making of an application for a record of unrecorded water.

(2.) The Commissioner, or Gold Commissioner, in adjudicating upon the application of such owner, shall, after hearing all parties in interest and their witnesses, if any, or, if any party in interest do not appear, upon its being proved to his satisfaction that such party has had notice of the terms of such application and of the date and time on which it is made, either refuse the application, or, where it is proved to his satisfaction that he is justified in making a cancellation or reduction as hereinafter mentioned, grant a record for such amount of water as, in his discretion, is reasonably necessary for the purposes specified in the application, and may, for the adjustment of the supply of available water, cancel any existing record obtained under this Act, or any Act hereafter to be passed, on the ground of abandonment or non-user, and reduce any such existing record in part, either as to the amount of water or as to the times of using such water, where it is proved to his satisfaction that the amount of water thereby recorded is in excess of the amount required for the purposes specified in the record, or that such water is necessary for such purposes only during certain periods, and may during the intervals be applied to other purposes, and may:

(3.) In respect of any existing record obtained under any Act heretofore passed, in respect of which prima facie abandonment or non-user, in whole or in part, is proved to his satisfaction, grant to the applicant an interim record entitling the applicant to the use of the water comprised in such existing record, in whole or in part, until the owner of such existing record, upon giving notice of his intention in that behalf at the time and in manner fixed by the Commissioner (to be not less than three months' notice in any case) shall, if entitled by law so to do, bona fide resume under his original record the use of the water comprised in such interim record, or such part thereof as he may reasonably require, to be ascertained by the Commissioner, or Gold Commissioner; and the rights of the holder of the interim record shall, at the expira-

tion of the period fixed in such notice, and in respect of the water therein specified, absolutely cease and determine, and he shall have no claim or right to compensation for any loss or damage caused to him by such resumption of use under the original record.

Sec. 19. Every record obtained by the owner of land or the owner of a mine, shall be deemed as appurtenant to land or mine in respect of which such record is obtained.

(2.) All assignments, transfers, or conveyances permitted by law of any mine or of any pre-emption rights, and all conveyances of land in fee, whether such assignments, transfers, or conveyances were or shall be made before or after the passing of this Act, shall be construed to have conveyed and transferred, and to convey and transfer, any and all recorded water privileges appurtenant to the premises assigned, transferred or conveyed, and shall pass with any of the premises aforesaid upon devise or descent.

Sec. 20. Whenever a mine shall have been worked out or abandoned, or a pre-emption canceled or abandoned, or whenever the occasion for the use of the water upon the mine or pre-emption shall have permanently ceased, all records appurtenant thereto shall be at an end and determined.

Sec. 21. Where any record authorizes the diversion of water for two or more purposes, or to be used in two or more places, or where the holder of the record desires to apportion the water in specified proportions between two or more parts of the land or mine on which the water is authorized to be used, the Commissioner, or Gold Commissioner, upon application made to him for that purpose by the holder of the record, or any person claiming through or under him by assignment or otherwise, and upon its being proved to his satisfaction that the rights of third parties will not be prejudiced by such apportionment, shall make a record apportioning the water authorized to be diverted in accordance with the terms of the application for apportionment, and shall indorse upon the original record a memorandum of and reference to the record of such apportionment.

Sec. 22. A corresponding record and references may be made upon similar application where mines or lands are consolidated or pass into a single or joint ownership, and it is proved to the satisfaction of the Commissioner, or Gold Commissioner, that it is expedient for the purpose of the more effectual and

beneficial use of the water authorized to be diverted that the original records be consolidated in accordance with the terms of the transfer or consolidation of the lands or mines.

Sec. 23. Within sixty days after the record is made, or within such further time as the Commissioner, or Gold Commissioner, may in his discretion, upon proof to his satisfaction of special circumstances rendering further time necessary, by writing duly recorded in the book of the record of water grants, the holder shall commence the excavation and construction of the ditch, flumes, and works in or by means of which he intends to divert, convey or utilize the water, and shall prosecute the work diligently and uninterruptedly to completion: Provided always, that the Commissioner, or Gold Commissioner, may, in his discretion, allow such work to cease for any necessary or reasonable time, upon cause being shown. Upon the non-fulfillment of any of the conditions of this section, the Commissioner, or Gold Commissioner, may, upon notice, cancel the record.

Sec. 24. The right of entry on and through the mines and lands of others for carrying water upon, over, or under the said mines and lands, and for the construction of all necessary works in connection therewith, may be claimed and exercised by any holder of a water record, upon giving, previously to such entry, adequate security to the satisfaction of the Commissioner, or Gold Commissioner, for any loss or damages which may be caused by reason of such entry; such security to be tendered to the Commissioner or Gold Commissioner for approval with a notice, a copy of which shall be served on the owner of mines or lands affected, that at a day and time to be specified in such notice, application will be made to the Commissioner or Gold Commissioner for approval of security, and upon such application, upon hearing what is alleged by all parties in interest, the Commissioner or Gold Commissioner may either accept or reject such tendered security, in whole or in part, and so, from time to time, until adequate security is tendered and approved.

(a.) After such entry, the holder of the water record so entering shall make full compensation to the occupant or owner of such mines or lands for any loss or damages which may be caused by reason of such entry; and for the recovery of such loss or damages, the owner of the mines or lands entered upon, or other person damaged by such entry and works, may sue

upon the security so given to the Commissioner, or Gold Commissioner, irrespective of the form and manner in which security may be made and given.

Sec. 25. Whenever, in pursuance of the power conferred by the preceding section, it is intended to enter upon mines or occupied lands, three days' notice of such intention shall be given to the owner or occupant.

Sec. 26. The holder of a water record may enter mines and lands for the purpose of repairing and maintaining the ditches, flumes, and works for conveying water under his record, but shall, if such mines or lands are occupied, give three days' notice to the occupant of intention to enter, except in cases of emergency, when immediate entry may be made.

Sec. 27. The holder of any record may obtain permission from the Commissioner, or Gold Commissioner, to change the place of diversion or the course of his ditch or flume, on giving such notices and complying with such terms as the Commissioner, or Gold Commissioner, may require or impose.

Sec. 28. Every holder of a record shall take all reasonable means for utilizing the water granted to him; and if he wilfully waste any water, or take a quantity of water in excess of his actual requirements, the Commissioner, or Gold Commissioner, may, upon notice, cancel or reduce the record or impose all necessary conditions.

Sec. 29. If, after a record of all the water in any stream has been made, for mining purposes, any placer mines are located and bona fide worked below the point of diversion on the stream, the owner of such placer mines shall be entitled to the continuous flow in the stream past the mines of forty inches of water if two hunderd inches be diverted, and sixty inches if three hundred inches be diverted, and no more, except upon paying to the holder of the record compensation equal to the amount of damage sustained by him on account of the allowance to the claim of such extra quantity of water; and, in computing such damage, the cost of the ditch shall be considered.

Sec. 30. The owner of any ditch, flume, or pipe shall, at his own expense, construct, secure, and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, flume or pipe.

Sec. 31. The owner of any ditch, flume, or pipe shall con-

struct and secure the same in a proper and substantial manner, and maintain the same in good condition and repair to the satisfaction of the Commissioner, or Gold Commissioner, so that the same shall, at all times, be of sufficient strength and capacity for the fulfilment of the purposes for which it was constructed and is used, and so that no damage shall occur to any road or work in its vicinity from the use of such ditch, flume or pipe.

Sec. 32. The owner of any ditch, flume, or pipe shall be liable for and shall make good, in such manner as the Commissioner, or Gold Commissioner, shall determine, all damages which may be occasioned by or through such ditch, flume, or pipe breaking or being defective in construction, or out of repair, or of insufficient strength and capacity for the purposes, or any of them, for which it was constructed, or is from time to time used.

Sec. 33. Any person heretofore or hereafter engaged in the construction of any road or work may, with the sanction of the Commissioner, or Gold Commissioner, cross, divert, or otherwise interfere with any ditch, water right, or other mining rights whatsoever, for such period and upon such terms as the said Commissioner, or Gold Commissioner, shall direct and impose.

Sec. 34. Nothing herein contained shall be construed to limit the right of the Chief Commissioner of Lands and Works to lay out, from time to time, the public roads of the Province, across, through, along, or under any ditch, water right, or mining right, in any Crown land, without compensation, provided that as little damage as possible shall be done.

Sec. 35. The Chief Commissioner of Lands and Works, with the approval of the Lieutenant-Governor in Council, may, upon such terms and conditions as to compensation to persons affected as the Chief Commissioner may think proper to impose, authorize the record for the benefit of all or any of the Indians located on any Indian reserve, of so much and no more of any unrecorded water from any stream or lake, for domestic and agricultural purposes, as may be reasonably necessary for such purposes.

(a.) No water shall be recorded under this section unless and until—

(a.) The provisions of this Act relating to notice of application to divert and record water have been satisfied.

(b.) The notice required by the provisions of this Act relating to notice of application to divert and record water has been published for one month in the British Columbia Gazette, and in a newspaper (if any) published in the district, and if there be no newspaper published in the district, then for one month in some newspaper published in the Province.

(c.) The Commissioner of the district has served upon or forwarded by registered letter to each person who may be affected by the proposed diversion a copy of such notice.

(d.) The Commissioner of the district has reported thereon in writing to the Chief Commissioner as to the volume of water in the stream or lake from which the water is proposed to be taken; the damage or benefit likely to accrue from such diversion to the land-owners or other persons having water rights on such stream or lake from which it is proposed to divert the water; that the amount of water asked for is necessary and reasonable, and as to such other particulars as the Chief Commissioner may from time to time require.

(3.) The Chief Commissioner may, with the approval of the Lieutenant-Governor in Council, alter, vary, or cancel any record made under this section, upon such terms and conditions as he may deem proper.

(4.) No record under this section shall be granted unless and until the Chief Commissioner has been satisfied that the terms and conditions as to notice have been satisfied and compensation (if ordered) has been paid.

(5.) All questions connected with the diversion of water under this section, compensation for damages, quantity of water required, shall be decided in a summary manner by the Chief Commissioner, and the Chief Commissioner may, in writing, direct any Commissioner or Justice of the Peace to take, on oath, the evidence of any person who can give evidence on or whose evidence is material to the decision of the matters in question; and such Commissioner or Justice of the Peace shall have full power and authority to take such evidence and to summon before him such persons.

Sec. 36. Any person affected by any decision of a Commissioner, or Gold Commissioner, under this Part of this Act, may appeal therefrom to the Supreme Court or to the County Court in a summary manner by filing, within one month after the day such decision is rendered, a petition as hereinafter provided:—

(a.) The appeal shall be in the form of a petition to any Judge of the Supreme Court, or the Judge of the County Court appealed to, verified by affidavit, and setting forth the matters and points of fact and of law relied upon.

(b.) The petition shall be intituled in the matter of this Act, and of the particular decision appealed from, and shall name as respondents the persons who, before the Commissioner, or Gold Commissioner, were adverse in point of interest to the appellant, and the Commissioner, or Gold Commissioner, and shall, along with the affidavit verifying the same, be filed in the proper registry within the one calendar month aforesaid.

(c.) A copy of the petition and of the affidavit verifying the same shall, within ten days of the filing thereof, or within such further time as a Judge of the Court appealed to by endorsement thereon allows, be served upon the respondents named therein, with a notice endorsed thereon that the answer of the respondents thereto must be filed in the proper office named therein, and a copy of such answer served upon the petitioner, whose address for service shall be stated within fourteen days from the service of such petition.

(d.) Upon being served with the answer, or upon the expiration of the time allowed for filing and serving the same, the petitioner shall set down the petition for hearing at the next sittings of the Court appealed to, within the county in which such petition is filed, to be held not less than fourteen days from such service or the expiration of such time, and shall give to the respondents ten days' notice of the same having been so sat down for hearing.

(e.) Provided that any party may ex parte apply to a Judge of the Court appealed to, to fix a day for the hearing of the petition, and all other parties to the petition shall receive ten days' notice of the hearing upon the day so fixed.

(f.) Any person who is affected, or who claims to be affected by the decision appealed from, whether served with the petition or not, may, with the permission of the Judge appear and be heard on the hearing of the appeal, and may, with the like permission, file affidavits relating thereto.

Sec. 37. Upon being served with a petition any respondent may apply to a Judge of the Court appealed to for an order requiring the appellant to give security for the costs of the appeal, and the Judge may direct the giving of security in such manner, within such time, and to such amount as he may

think fit, and that in default of the giving of such security the appeal shall be dismissed, and that in the meantime all proceedings be stayed.

Sec. 38. Upon the hearing of the appeal, the Judge of the Court appealed to may either confirm or reverse the decision appealed from, and either in whole or in part, and may add to or vary such decision, and may make such order in relation to the matters dealt with in the decision appealed from, and respecting the rights of all parties in interest, and affected by the decision appealed from, whether named in the petition or not, as he deems just, and may direct the doing of all necessary acts, and the making of all necessary entries and records to give effect to such order, and may make such order as to costs as he thinks just.

Sec. 39. Any person dissatisfied with the decision of a Judge of the Supreme or County Court, in respect of any such appeal, may appeal to the Full Court, provided that notice of appeal be given to the opposite party within twenty-one days from such decision; and provided also, that the appellant give within such period such security for costs as a Judge of the Court appealed from may approve; and such appeal shall be dealt with as near as may be as in the case of an ordinary appeal to the Full Court from a final judgment in an action in the Supreme Court.

III.

THE SUPPLYING OF WATER BY WATER-WORKS SYSTEMS TO CITIES, TOWNS AND UNINCORPORATED LOCALITIES.

Sec. 40. Any municipality may, from time to time, obtain one or more records of the unrecorded water in any streams or lakes as a source or sources of supply for a projected water-works system, or branch of a system, or to augment any existing system, or branch of such system, in manner hereinafter provided.

Sec. 41. Any municipality shall from time to time, where a sufficient supply of unrecorded water is not available within reasonable limits of distance and expenditure, have, subject to the approval of the Lieutenant-Governor in Council, the right of expropriation over recorded water and all works in

connection therewith to the extent deemed necessary by the municipality to obtain a proper and sufficient source of water supply for ordinary household purposes.

Sec. 42. A municipality desiring to obtain a record of unrecorded water shall proceed in manner provided by sections 9, 12, 13, 14 and 15 of Part II of this Act; save in so far as said section 13 is modified as to pending applications by subsections (a) and (c) of this section, and as to quantity of water by section 40 hereof.

(a.) Upon compliance, by the municipality, with section 9 of this Act all pending applications to the Commissioner and Gold Commissioner for records of water comprised in whole or in part within the application of the municipality shall be stayed until the adjudication upon the application of the municipality.

(b.) Upon application made by a municipality for a record of water under this section the Commissioner shall adjudicate thereon, but shall, before making or refusing a record, transmit to the Lieutenant-Governor in Council the notice of application, a transcript of the application and of all evidence received by him for or against the same, and his adjudication thereon and his reasons therefor, and the Lieutenant-Governor in Council may either refer the matter back to the Commissioner for further evidence and report, or may confirm or reverse his adjudication in whole or in part, and if the decision of the Lieutenant-Governor in Council be in favor of granting a record the Commissioner shall, upon receipt of a certified copy of an Order in Council in that behalf, make a record in favor of the municipality in accordance with the terms of such Order in Council.

(c.) If the application of the municipality be granted and a record made thereupon, the same shall speak from the date of the compliance by the municipality with the provisions of section 9, and all applications pending as aforesaid on that day shall be subject to the record and rights acquired by the municipality, and shall, where necessary, abate accordingly.

Sec. 43. A municipality entitled to exercise the right of expropriation over recorded water may proceed in manner hereinafter provided for the expropriation of lands, and upon completion of such expropriation a record shall be made by the Commissioner, or Gold Commissioner, in favor of the municipality in accordance with the terms of the conveyance ob-

tained upon such expropriation, or, if no such conveyance be made, to the extent of the rights acquired by the municipality proved to his satisfaction.

Sec. 44. Upon any application by a municipality for a record of unrecorded water, it shall not be necessary for such municipality to prove that such water applied to be recorded is actually required for the present use of such municipality, but it shall be sufficient for such municipality to allege that such application is made bona fide, and for the purposes of such municipality alone.

(a.) No record made in favor of a municipality for a water-works system shall lapse or become void by reason of non-user thereof in whole or in part, but the existence of a prior record in favor of a municipality shall be no bar to the grant of a subsequent interim record to an applicant therefor, except in so far as the municipality may, at the time of such application, be actually using the water; and such interim record shall only entitle the holder thereof to use the water, in whole or in part, until the same shall be actually diverted by the municipality under their record.

Sec. 45. A municipality desiring to construct and operate a water-works system, or branch of such system, or to augment or extend any existing system, or branch of such system, and to perform and construct all such acts and works as may be necessary or incidental thereto, and either within or without the limits of the municipality, may, from time to time, and at such time as the municipality may see fit, enter into and upon any lands either within or without the limits of the municipality, and may survey, set out, and ascertain such parts thereof as are required for the purposes of such water-works system, branch or extension, as any engineer, surveyor, or other person, authorized in this behalf by the municipality, shall judge suitable and proper for the said purposes, or any of them, and may exercise powers of expropriation over such lands in manner hereinafter provided.

Sec. 46. A specially incorporated company incorporated for the sole object of constructing and operating a water-works system within a municipality, and for purposes necessary and incidental thereto, and obtaining from the municipality a consent, pursuant to the "Municipal Clauses Act, 1896," to the construction and operation of such water-works system shall have and may exercise all the rights, powers, privileges and priori-

ties conferred upon municipalities by sections 40, 41, 42, 43, 44 and 45 of this Act; and shall, subject to the conditions, if any, upon which the consent of the municipality is given, have exclusive rights in this behalf within the municipality.

(a.) Such company may apply for records of unrecorded water in accordance with section 9 of this Act upon the day, or at any time after the day upon which its Memorandum and Articles of Association shall be executed, in accordance with the provisions of the "Companies' Act, 1897," and may proceed with such applications, subject only to the obtaining of the consent of the municipality as aforesaid: Provided that all such applications and all proceedings consequent upon, and incidental thereto, shall be null and void if the company fail to obtain the consent of the municipality as aforesaid before the time appointed for application to the Commissioner for adjudication upon such applications, or within such further time as may be fixed by the Commissioner, upon proof, to his satisfaction, of special circumstances rendering an extension of time necessary.

Sec. 47. Where a company has been duly incorporated under and in compliance with the provisions of the preceding sections of this Act, for the supplying of any municipality with a water-works system, and has acquired a source of supply, by record or otherwise, and constructed in whole or in part a water-works system, such municipality may, on giving twelve months' notice. in writing, to the company, acquire the source of water supply, and all the records of the company and the water-works system, and all lands and works connected with and appertaining thereto, whether within or without the limits of the municipality, on payment therefor to the company of the value of such water-works system, lands and works (without any reference to or payment for the value of the said records, except the actual cost thereof, if any, to the company) to be ascertained in manner hereinafter provided, for the ascertainment of the value of lands upon expropriation, with the following additions thereto:—

1. If the water-works system has been in operation less than five years, a thirty per cent bonus upon such value.

If in operation more than fifteen and less than twenty a twenty-five per cent bonus.

If in operation more than ten and less than fifteen years, a twenty per cent bonus.

If in operation more than fifteen and less than twenty years, a fifteen per cent bonus.

If in operation twenty years or more, a ten per cent bonus.

2. Provided, however, that should such municipality desire to exercise its rights of expropriation before the expiry of ten years from the date of the formation of the company, the company may claim in lieu of payment of the actual value of their works and bonus, additional, as above provided, repayment of the amount actually expended in construction and preliminary expenses, and such sum as, after taking into account all revenues received and all reasonable expenditure on account of working expenses and maintenance, will amount to ten per cent per annum on such amounts.

3. In estimating the value of such water-works system, lands and works, the arbitrators shall take, as the basis of their valuation, the amount which would be required to construct such works at the date of the arbitration and the condition in which the works are, and shall not allow anything for the value of the franchise.

Sec. 48. If in any year during the operation within a municipality of a system of water-works by a company, under and by virtue of the provisions of the two next preceding sections of this Act, the net profits earned by and divided from the said water-works system shall exceed twenty per centum per annum on the paid up stock of the company, the rates charged by the company for water shall, when required by the municipality by notice in writing, and within thirty days after service of such notice on the company, be reduced so that the said profits shall not exceed the aforesaid rate of twenty per centum per annum on the paid up stock of the company.

Sec. 49. If at any time during the period in which any such company may enjoy said exclusive privileges, by this Act or by consent of the municipality conferred in manner aforesaid, in the opinion of the municipality, it is necessary or desirable that an extension of the water service to other parts of the municipality should be made, or if in the opinion of the municipality the mains, water-pipes, and works of the said company are incapable of sustaining a pressure of water adequate for use in the event of fire within any portion of the said municipality in which the said works may be in existence, then the municipality may give notice to such company to make such extension, changes, or repairs in or to the said works as may

be specified in the said notice, and within a period of time to be specified in the said notice. In the event of such company omitting or declining to make such extension, changes, or repairs in accordance with the said notice, it shall be lawful for a Judge of the Supreme Court, upon application by motion made to him on behalf of the municipality and upon hearing evidence, to determine whether such extension is reasonably necessary for the requirements of the inhabitants of the municipality, or whether such changes or repairs are necessary for the reasonable protection of such portion or portions of the municipality against fire, and, if so, to direct within what time such company shall effect the said extension, changes or repairs: Provided that either party may appeal from such order to the Full Court of the Supreme Court of British Columbia, conforming in such appeal to the procedure of the said Court in that behalf.

Sec. 50. If no such appeal be taken, or if upon appeal the decision of the Judge of the first instance be affirmed, then such company shall effect the extension, changes, or repairs within the time limited by the order of the said Judge of the first instance, or within such extended time as the Court of Appeal may think proper; and in the event of a failure to obey such order of the Judge or of the Court of Appeal, as the case may be, the exclusive rights by this Act or by the consent of the municipality granted to the said company shall absolutely cease and determine.

Sec. 51. A specially incorporated company incorporated for the sole object of constructing and operating a water-works system for the supplying of an unincorporated locality, and for purposes necessary and incidental thereto, and obtaining from a Judge of the Supreme Court the certificate in section 55 of this Act specified, shall have and may exercise all the rights, powers, privileges, and priorities conferred upon municipalities by sections 40, 41, 42, 43, 44, and 45 of this Act, in the same manner and to the same extent as if the said unincorporated locality were a municipality.

(a.) Such company may apply for records of unrecorded water in accordance with section 9 of this Act, upon the day or at any time after the day upon which its Articles and Memorandum of Association shall be executed in accordance with the provisions of the "Companies' Act, 1897," and may proceed with such applications, subject only to the obtaining and

filing of the certificate aforesaid: Provided that all such applications and all proceedings consequent upon and incidental thereto shall be null and void if the company fail to obtain the certificate aforesaid before the time appointed for application to the Commissioner for adjudication upon such application, or within such further time as may be fixed by the Commissioner upon proof to his satisfaction of special circumstances rendering an extension of time necessary, or within such further time as the Judge of the Supreme Court, before whom the petition of the company is pending, may by order appoint and direct.

Sec. 52. A company desiring to obtain and exercise the powers in the preceding section mentioned, shall proceed as follows:—

1. The company shall cause to be prepared a statement, verified as to substance and figures, by a statutory declaration of the person or persons preparing the statement, showing:

(a.) The unincorporated locality, describing it by metes and bounds.

(b.) The approximate number of persons actually resident, and the number of inns, dwelling-houses, and buildings and works occupied for industrial purposes within the unincorporated locality.

(c.) The amount of unrecorded water for which the company has made application, or intends to make application, the estimated quantity of unrecorded water available, and the quantity and head of water required for the operation of and the extent of stream or lake to be affected by the proposed system.

(d.) A description of the lands, if any, sought to be taken by the company under powers of expropriation, for the purposes of the undertaking, and, so far as may be, of all lands to be affected thereby.

(e.) And generally, every circumstance necessary to fully and fairly set forth the facts relating to the proposed undertaking of the company.

2. The company shall obtain from the proper Land Registry Office a certificate showing the names of the registered owners of the lands, and from the Commissioner or Gold Commissioner, a certificate showing the names of the holders and the particulars of all water records sought to be taken by the company under powers of expropriation for the purposes of the undertaking.

3. The company shall cause surveys to be made and levels to be taken of the unincorporated locality, and also of all lands sought to be taken or acquired, held or used, for the purposes of the undertaking, and also, so far as possible, of all lands to be affected by the undertaking, and from such surveys and levels shall cause to be prepared a map or plan showing, as fully as may be, particulars of the matters in this sub-section referred to and the intended location of the proposed undertaking and works.

4. The company shall file the said statement, plan, and the said certificates in the District Registry of the Supreme Court for the county within the limits of which the unincorporated locality, or any part thereof, is situate, together with a copy of the Memorandum and Articles of Association of the company, certified under the hand of the Registrar of Joint Stock Companies.

Sec. 53. Upon the filing of the requisite documents in accordance with sub-section (*a*) of the preceding section, the company may present a petition to a Judge of the Supreme Court for the granting of the certificate in section 55 hereof mentioned; such petition shall set forth the material facts relied upon by the company as justifying the construction and operation of the proposed undertaking and works; a statement of the estimated cost thereof, and a statement of the amount of subscribed capital of the company, and shall be verified as to substance and figures by affidavit of the directors or provisional directors of the company.

Sec. 54. Upon the filing of the petition in the preceding section mentioned, a notice shall be published for two weeks in the British Columbia Gazette, and in some daily or weekly newspaper published or circulating in the unincorporated locality, setting forth as succinctly as may be the substance of the application to be made by the company, the day, time, and place at which such application is to be made, which time shall not be less than thirty days from the date of the first publication of such notice, which date shall be stated in each publication thereof.

2. In the case of any petition relating to an unincorporated locality within a county in which there is no resident Judge of the Supreme Court, the company may, at any time after the filing of the petition, enter the same for hearing before a Judge of the Supreme Court in any other county, and the peti-

tion and all documents filed therewith shall remain in the registry where filed until it is necessary to transmit the same by mail, when the same shall be transmitted to the district registry of, and the petition be heard and determined by a Judge of the Supreme Court in such last-mentioned county.

Sec. 55. Upon the hearing of such petition a Judge of the Supreme Court shall, if it appear to his satisfaction that the company has complied with the provisions of section 42 of this Act, and that the facts made to appear to the Court by the company are such as to justify the construction and operation of the proposed undertaking and works, and the doing and exercising of all acts and statutory powers in connection therewith, grant to the company a certificate in such form as is provided by regulations in that behalf; therein ascertaining and fixing the amount of capital which shall be subscribed for before the company shall be authorized to exercise its corporate powers; the time within which such capital is to be subscribed, and the time within which the undertaking is to be commenced by the company: provided that the aggregate of the times fixed for the subscribing of such amount of capital, and the commencing of the undertaking shall, in no case, exceed twelve months from the date of the certificate.

2. Upon the hearing of such petition the Judge may order adjournments from time to time, and may direct the giving of notice of the hearing to such persons, and in such manner as he may think proper, and may fix a time within which such persons may appear and be heard, and may require the furnishing of such further evidence, and may direct such references to be had and inquiries to be made as he may think proper, and may hear all persons affected in interest by the proposed undertaking and works, and their witnesses.

3. In the granting of such certificate the Judge may insert therein such conditions and restrictions, including the maximum rates to be charged by the company, as he may, upon the facts made to appear to the Court on the hearing of the petition, deem necessary in the public interest, or for the protection of any person or class of persons to be affected by the construction and operation of the proposed undertaking and works.

Sec. 56. Every such certificate shall forthwith, upon the granting and signing thereof, be transmitted to and filed with the Registrar of Joint Stock Companies, and by him attached

to the memorandum and articles of association of the company; and such certificate shall, as soon as possible, be published for at least two weeks in the British Columbia Gazette and in the newspaper in which the notice of application to the Court was published; and a copy of such certificate shall also be published with, and attached to, every copy of the articles and memorandum of association of the company thereafter issued or published.

2. Upon the granting and filing of such certificate the same shall, as to every part and condition thereof, be read with and be deemed to form part of the articles and memorandum of association of the company, and the company shall as from the date of such certificate be deemed to be, in so far as regards the exercise of its corporate powers, a company incorporated by special Act with the powers taken under the articles and memorandum of association, and under this Act, subject only to the terms and conditions of such certificate.

Sec. 57. Upon the granting by a Judge of the Supreme Court of a certificate under the provisions of section 55 of this Act, and upon compliance with the terms thereof by the company, and upon the filing of a copy thereof certified under the seal of the Supreme Court with the District Registrar of Titles, and with the Commissioner and the Gold Commissioner of the district within the limits of which such unincorporated locality is situate, the company shall have and may exercise all the rights, powers, privileges, and priorities conferred upon municipalities by sections 40, 41, 42, 43, 44, and 45 of this Act, subject to the conditions, if any, upon which such certificate is granted, so far as such rights, powers, privileges and priorities are, in the discretion of the company, necessary for the purposes of the company in the construction and operation of the proposed undertaking and works, and all acts and works necessary and incidental thereto.

Sec. 58. Where an incorporated company has constructed, in whole or in part, a system of water-works for the supply of any unincorporated locality, and such unincorporated locality shall be incorporated into a municipality, or a municipality shall be incorporated, the limits whereof shall include a part of the area of such unincorporated locality equal to at least one moiety thereof, the municipality may, upon giving twelve months' notice in writing to the company, acquire the source of water supply, and all the records of the company, and the

water-works system, and all lands and works connected therewith and appertaining thereto, whether within or without the limits of the municipality, on payment therefor to the company of the value of such water-works system, lands and works (without any reference to or payment for the value of the said records, except the actual cost thereof, if any, to the company), to be ascertained in manner hereinafter provided for the ascertainment of the value of lands upon expropriation, with the following additions thereto:—

1. If the water-works system has been in operation less than five years, a thirty per cent bonus upon such value:

If in operation more than five and less than ten years, a twenty-five per cent bonus:

If in operation more than ten and less than fifteen years, a twenty per cent bonus:

If in operation more than fifteen and less than twenty years, a fifteen per cent bonus:

If in operation twenty years or more, a ten per cent bonus.

2. Provided, however, that should such municipality desire to exercise its right of expropriation before the expiry of ten years from the date of the formation of the company, the company may claim, in lieu of payment of the actual value of their works and bonus, additional, as above provided, repayment of the amount actually expended in construction and preliminary expenses, and such sum as, after taking into account all revenues received and all reasonable expenditure on account of working expenses and maintenance, will amount to ten per cent per annum on such amounts.

3. In estimating the value of such water-works system, lands and works, the arbitrators shall take, as the basis of their valuation, the amount which would be required to construct such works at the date of the arbitration and the condition in which the works are, and shall not allow anything for the value of the franchise.

Sec. 59. Any municipality and any company entitled to construct and operate a water-works system in any municipality or unincorporated locality, and to have and exercise the powers in that behalf in this Part of this Act contained (in the subsequent sections of this Part referred to as "The municipality or company"), may construct, erect, and maintain in and upon the lands held or used in connection with such water-works system, and in and upon any stream or lake from which

water is to be diverted for the supply of such water-works system, all such reservoirs, water-works, and machinery requisite for the undertaking, and for conveying the water thereto and therefrom, in, upon and through any lands lying intermediate between the said reservoirs and water-works and the streams or lakes from which the same is procured and the points of distribution in the municipality or unincorporated locality, by one or more lines of pipes, as may from time to time be found necessary.

Sec. 60. The municipality or company, and their servants under their authority, may for the said purposes enter and pass upon and over the said lands, intermediate as aforesaid, and the same may cut and dig up, if necessary, and may lay down the said pipes through the same, and in, upon, through, over. and under the highways, streets, lanes, roads, or other passages whether within or without the limits of the municipality or unincorporated locality, and in, upon, through, over, and under the lands and premises of any person or body corporate or politic, within the municipality or unincorporated locality.

2. All lands, not being the property of the municipality or company, and all highway, roads, streets, lanes, or other passages so dug up, or interfered with, shall be restored to their original condition without unnecessary delay.

3. The municipality or company may set out, ascertain, purchase in manner hereinafter provided for the expropriation of lands, use and occupy such parts of the said lands as the municipality or company may think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the municipality or unincorporated locality, or for the uses of the municipality or company, or of the proprietors or occupiers of the land through or near which the same may pass.

Sec. 61. For the purpose of distributing water as aforesaid the municipality or company may sink and lay down pipes, tanks, reservoirs, and other conveniences, and may from time to time alter all or any of the said works, as well in the position as in the construction thereof, as they may consider advisable.

Sec. 62. The municipality or company shall do as little damage as may be in the execution of the powers by this Act granted to them, and shall make reasonable and adequate satisfaction to the owners and others whose property is entered upon, taken or used by the municipality or company or injuriously affected by the exercise of its powers, to be ascertained as provided in cases of the expropriation of lands.

Sec. 63. All such water-works, pipes, erections and machinery requisite for the said undertaking shall be vested in and be the property of the municipality or company constructing the said works.

Sec. 64. The municipality or company may lay down in, through, across, under, or along the railway and lands of any railway, street railway, or tramway company, any main pipe belonging or necessary to any water-works which the municipality or company is authorized to construct, and may enter upon, break up, take or use any such land in any way necessary or convenient for the said purpose, but without interfering with the operation of such railway, street railway, or tramway, or subject to the payment of the value of any lands so taken to be ascertained in manner hereinafter provided for ascertaining the value of lands upon expropriation.

Sec. 65. All service pipes which may be required shall be constructed and laid down up to the outer line of the street by the municipality or company, and the municipality or company shall be solely responsible for keeping the same in repair.

2. In all cases where a vacant space intervenes between the outer line of the street and the wall of the building, or other place into which the water is to be taken, the municipality or company may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the municipality or company or person appointed by them in that behalf.

3. The expense incidental to the laying and repairing, as hereinafter provided, of such service pipes if laid or repaired by the municipality or company (except the repairing of the service pipes, from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the municipality or company), or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be pay-

able by the owner on demand to the municipality or company, or, if not so paid, may be collected forthwith in the same manner as water-rates: Provided that in no case shall the said expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, exceed one dollar.

Sec. 66. The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed therein, by the municipality or company, shall be under their control, and if any damage is done to this portion of the service pipe or its fittings, either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the municipality or company; and in default of his so doing, whether notified or not, the municipality or company may enter upon the lands where such service pipes are, and by their officers, servants, or agents repair the same, and charge the same to the owner of the premises, as hereinbefore provided.

2. The stop-cock placed by the municipality or company inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent the flooding of the premises.

3. All parties supplied with water by the municipality or company may be required by the municipality or company to place only such taps for drawing and shutting off the water as are approved of by the municipality or company.

Sec. 67. Any person authorized by the municipality or company for that purpose, shall have free access, at proper hours of the day, and upon reasonable notice given and request made, to all parts of every building or other premises in which water is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as may be deemed expedient, and for this purpose, or for the purpose of protecting or of regulating the use of any such meter, may set or alter the position of the same or of any pipe, connection or tap, and may fix the price to be paid for the use of any such meter, and the times when and the manner in which the same shall be payable, and may also charge for and recover the expenses of such alterations; and such

price and the expense of such alterations may be collected in the same manner as water-rates.

Sec. 68. The municipality or company shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payments; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be paid for the use of the water by means of hydrants or fire-plugs, and by public buildings.

2. Such sum payable by the owner or occupant of any house, tenement, or lands for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Act, and for the collection of the said water rent and water due the municipality, be a lien and charge on such house, tenement or lands, and may by the municipality be levied and collected in like manner as municipal rates and taxes are by law recoverable, and if due to the company may be recovered as a debt by suit in any court of competent jurisdiction.

Sec. 69. The municipality or company may from time to time make and enforce all necessary by-laws, rules, and regulations for the general maintenance or the management or conduct of the said water-works, and of the officers, and others employed in connection with them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times when and the places where the same shall be payable.

2. And also for allowing a discount for prepayment, and in case of default of payment may enforce payment by shutting off the water.

Sec. 70. The attempt to collect the said rates by any process hereinbefore mentioned shall not, in any way, invalidate the lien upon such premises as hereinbefore provided.

2. And in the event of any such rate remaining uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the amount of such rate so in arrears shall be returned by the collector to the treasurer of the municipality annually, at such time as may be fixed by the municipality by by-law in that behalf, and the same, together with interest at the rate of ten per cent per annum thereon, shall thereupon

be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of lands for arrears of municipal taxes.

Sec. 71. The municipality or company shall not be liable for damages caused by the breaking of any service pipes or attachment, or for any shutting off of any water to repair mains or to tap the mains, if reasonable notice of the intention to shut off the water is given whenever the same is shut off more than six hours at any one time.

Sec. 72. All materials procured or partly procured under contract with the municipality or company and upon which the municipality or company shall have made advances in accordances with such contract, shall be exempt from execution.

Sec. 73. The municipality or company shall have power and authority to supply, upon special terms, any corporation or persons with water, although not resident within the municipality, or unincorporated locality, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well without as within the municipality or unincorporated locality, and they may also from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory, whether such water be supplied within or without the municipality or unincorporated locality.

Sec. 74. The municipality or company may dispose of any real or personal property acquired for water-works purposes when no longer required, and until sold, may rent or lease the same; any property so sold shall be free from any charge or lien on account of any debentures issued by the municipality or company, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any debentures constituting a charge thereon, or should no such debentures then exist, then the said proceeds shall form part of the general funds of the said municipality or company, and may be applied accordingly.

2. In case credit is given for any portion of the purchase money of such real property the said municipality or company may take security, by way of mortgage to secure the same, and the municipality or company shall have all the rights, powers, and remedies, expressed in or implied by any mortgage given, as fully as if such mortgage had been given

to a private person, and every such mortgage, and the proceeds thereof, shall stand as security for any debentures, constituting a charge on the real property, at the time of sale.

Sec. 75. The municipality or company may, from time to time, make by-laws for regulating the time, manner, extent and nature of the supply by the water-works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine, in order to secure to the inhabitants of the municipality or unincorporated locality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the municipality or company with regard to the water so supplied.

Sec. 76. If any person does or commits any of the following acts:—

(a.) Wilfully or maliciously hinders or interrupts, or causes, or procures to be hindered or interrupted the municipality or company, or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained:

(b.) Wilfully or maliciously lets off or discharges any water so that the same runs waste or useless, out of the said works:

(c.) Being occupant, tenant, or inmate of any house or otherwise supplied with water by the municipality or company, sells or disposes of the water thereof, or gives it away, or permits it to be taken or carried away, or uses it or applies it to the benefit of others, or to any other than his own use or benefit, or wrongfully neglects or improperly wastes the water:

(d.) Not being in the employment of the municipality or company, and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, chamber, pipe, or hydrant chamber, by placing on it any building material, rubbish, or other obstruction:

(e.) Throws or deposits any injurious, noisome or offensive matter into the water or water-works, or upon the ice, in case such water is frozen, or in any way fouls the water, or commits any wilful damage or injury to the works, pipes, or water, or encourages the same to be done:

(f.) Wilfully alters any meter of the water-works placed

upon any service pipe or connected therewith, within or without any house, building, or other place, so as to lessen or alter the amount of water registered thereby, unless specially authorized by the said municipality or company for that particular purpose and occasion:

(g.) Lays or causes to be laid any pipe or main to communicate with any pipe or main of the said water-works, or wrongfully takes or appropriates to his own use any water from any public or private tap, or in any way obtains or uses any water of the said water-works without the consent of the said municipality or company:

(h.) Bathes, or washes, or cleanses any wool, cloth, leather, skins or animals, or places any nuisance or offensive thing within or near the source of supply for any water-works system in any lake, river, stream, source or fountain from which the water of the said water-works system is obtained, or conveys, or casts, causes, throws, or puts any filth, dirt, dead carcasses, or other noisome or offensive thing therein, or causes, permits or suffers the water of any sink, sewer, or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in anywise tainted or fouled:

Such person shall, for any such act, upon summary conviction be liable to a penalty not exceeding two hundred and fifty dollars, together with the costs and charges attending the proceedings and conviction.

Sec. 77. It shall be the duty of the municipality or company to provide a sufficient supply of water for the use of the municipality or unincorporated locality in the prevention and extinguishment of fires, and for such purpose to provide, equip, place and maintain a sufficient number of hydrants in such places as may be most readily available for such purpose, and the same to keep supplied with a sufficient quantity and force of water.

IV.

THE ACQUISITION OF WATER FOR INDUSTRIAL OR MANUFACTURING PURPOSES BY COMPANIES ENTITLED UNDER THEIR TERMS OF INCORPORATION TO AVAIL THEMSELVES OF THE PROVISIONS OF THIS PART.

Sec. 78. Any specially incorporated company throughout this part of this Act referred to by and included in the expression "power company" may acquire, have, hold and exercise the rights, powers, privileges and priorities in and by this part of this Act created, provided and conferred, upon and subject to the terms and conditions in this part of this Act contained.

Sec. 79. The power company shall be incorporated for and the objects of the company shall be restricted to the acquisition of water and water-power by records of unrecorded water, or by the purchase of water records or water privileges for, and the application of such water and water-power to all or any of the purposes, and in any of the manners and methods following:

Sec. 80. For rendering water and water-power available for use, application and distribution by erecting dams, increasing the head of water in any existing body of water, or extending the area thereof, diverting the waters of any stream, pond, or lake into any other channel or channels, laying or erecting any line of flume, pipe, or wire, constructing any raceway, reservoir, aqueduct, weir, wheel, building, or other erection or work which may be required in connection with the improvement and use of the said water and water-power, or by altering, renewing, extending, improving, repairing, or maintaining any such works or any part thereof.

Sec. 81. The use of water or water-power for hydraulic mining purposes, for general irrigation purposes within a defined locality or district, and for milling, manufacturing, industrial and mechanical purposes other than the generation of electricity.

Sec. 82. The use of water or water-power for producing any form of power or for producing and generating electricity, for the purposes of light, heat, and power; and for

(a.) Constructing, operating, and maintaining electric works,

power houses, generating plant, and such other appliances and conveniences as are necessary and proper for the generating of electricity or electric power, or any other form of developed power, and for transmitting the same to be used by the power company, or by persons or companies contracting with the power company therefor, as a motive power for the operation of motors, machinery or electric lighting or other works, or to be supplied by the power company to consumers for heating or as a motive power for propelling tramways, or for driving, hauling, lifting, pumping, lighting, crushing, smelting, drilling, and milling, or for any other operations to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which electricity or electric power may be applied or required.

(b.) Placing, sinking, laying, fitting, maintaining, and repairing electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connections, branches, electric motors, dynamos, engines, machines, or other apparatus or devices, cuts, drains, water-courses, pipes, poles, buildings and other erections and works; and erecting and placing any electric line, cable, main, wire, or other electric apparatus above or below ground:

(c.) Constructing, equipping, operating and maintaining electric, cable, or other tramways or street railways for the conveyance of passengers and freight:

(d.) Constructing, equipping, operating and maintaining telegraph and telephone systems and lines.

Sec. 83. The supplying of compressed air, electricity and electric power, or any other form of developed power, to consumers for any purposes to or for which compressed air, electric power, or any other form of developed power may be applied or required.

Sec. 84. The power company may, upon the day or at any time after the day upon which its Memorandum and Articles of Association shall be executed in accordance with the provisions of the "Companies' Act, 1897," apply for, and may acquire and use records of unrecorded water in manner provided by section 9 of this Act for obtaining records of unrecorded water for domestic, mining and agricultural purposes.

2. It shall be sufficient for the power company in posting and forwarding the notice of application by said section 9 prescribed, in lieu of describing the lands on which the water

is intended to be used, to insert a statement that the water applied for is to be used for the proposed undertaking and work of the power company subject to the approval thereof by the Lieutenant-Governor in Council.

Sec. 85. The power company shall, before proceeding with the construction of their works, file with the Clerk of the Executive Council the following documents:—

(a.) A copy of the Memorandum and Articles of Association, certified under the hand of the Registrar of Joint Stock Companies.

(b.) A description by metes and bounds of the locality, place, or district within which the corporate powers of the power company in respect of its undertaking and works are to be exercised.

(c.) A plan of such locality, place or district, showing, so far as may be, the intended situation of the undertaking and works of the power company.

(d.) A statement in detail of the amount of unrecorded water applied for, or intended to be presently applied for by the company, with the names, or, if unnamed, with a sufficient description of the streams and lakes from which it is intended to be diverted, and the points and modes of diversion; where water is diverted from any stream for the purpose of developing power, the applicant shall also state the point at which it is to be returned and the difference in altitude between the point of diversion and the point where it is to be returned.

(e.) A statement of the estimated total available supply of water in such streams and lakes.

(f.) A statement certified as correct by the Commissioner and Gold Commissioner having jurisdiction within such locality, place or district, of the records of water to be diverted from such streams and lakes existing at the time of the appplications by the power company, and the purposes for which such records have been obtained.

(g.) A statement of the existing records and a description of the lands, the purchase of which records and lands the power company deem necessary for the purposes of the proposed undertaking and works.

(h.) A statement of the works, the construction and operation whereof is to be presently undertaken by the power company.

(i.) A statement of the estimated cost of the undertaking

and works, including water and lands to be purchased, the construction and operation whereof is to be presently undertaken by the power company.

(j.) And generally a complete statement of all facts and matters necessary to fully inform the Lieutenant-Governor in Council as to the purposes and undertaking of the power company, and of all matters and things affected by or relating thereto.

Sec. 86. Upon the filing of the documents aforesaid, the Lieutenant-Governor in Council may either require further evidence or may direct references to be had or inquiries to be made, and may approve the proposed undertaking of the company as submitted, or may limit to such an extent as may in the public interests be deemed advisable the area within which the corporate powers of the power company with respect to its undertaking and works are to be exercised, or the amount of unrecorded water which the power company may record, or the amount of recorded water or of lands which the power company may purchase, and generally may impose upon such power company all such restrictions, limitations and conditions as the Lieutenant-Governor in Council may deem necessary or expedient.

Sec. 87. The Lieutenant-Governor in Council may issue to the power company a certificate setting forth that the proposed undertaking of the power company, as submitted, has been approved, or that the same has been approved subject to the restrictions, limitations and conditions in such certificate set forth and contained.

2. The certificate shall fix the amount of capital of the power company, which shall be duly subscribed before the power company commences the construction of its undertaking and works and exercises any of the powers in that behalf, in this Part of this Act contained; or the amount of capital which shall be so subscribed in respect of any specified portion of such undertaking and works, and the further amount of capital which shall be so subscribed and actually available above the cost of such first-mentioned portion, in respect of the remainder or of each further specified portion of such undertaking and works, before the same is commenced.

3. Such certificate shall also fix the time within which the portion of the capital is to be subscribed in respect of the specified portion of such undertaking and works in such certificate

dealt with, and the time within which such portion is to be commenced, and also the time within which such works shall be in operation: Provided that the aggregate of the times fixed for the subscribing of such amount of capital in respect of, and the commencing of, the first specified portion of the undertaking and works in such certificate dealt with shall not exceed twelve months; and in respect of the remaining portions of the undertaking and works shall not exceed such times as shall be prescribed by the Lieutenant-Governor in Council in that behalf.

4. A copy of such certificate, certified under the hand of the Clerk of the Executive Council and the seal of the Province shall be filed in the office of the Registrar of Joint Stock Companies, and shall be by him attached to the Memorandum and Articles of Association, and a copy of such certificate shall be printed with and form part of every copy of such Memorandum and Articles of Association published or issued after the granting of the certificate.

5. A copy of the certificate shall be published for one month in the British Columbia Gazette and in a newspaper published or circulating within the area in which the undertaking and works are to be carried on and situate.

6. A copy of such certificate, certified as aforesaid, shall be filed in the offices of the Commissioner and Gold Commissioner having territorial jurisdiction in respect of the said area.

Sec. 88. Upon the granting and filing of such certificate the same shall as to every part and condition thereof be read with and be deemed to form part of the Memorandum and Articles of Association of the company, and the company shall, as from the date of such certificate, be deemed to be in so far as regards the exercise of its corporate powers, a company incorporated by special Act with the powers taken under the Memorandum and Articles of Association, and under this Act, subject only to the terms and conditions of such certificate.

Sec. 89. Upon the granting by the Lieutenant-Governor in Council of a certificate under the provisions of section 87 of this Act, or of a further certificate under the provisions of section 90 hereof, and upon the publication and filing thereof with the Registrar of Joint Stock Companies, and subject to compliance with the terms and conditions thereof, the company may acquire and shall have, hold and exercise all the rights, powers, privileges and priorities in and by this Part of this Act granted

and conferred, so far as such rights, powers, privileges and priorities are under the Memorandum and Articles of Association, and in the discretion of the power company necessary for the purposes of the power company in the construction and operation of the proposed undertaking and works of the power company, and all acts and works necessary and incidental thereto.

2. Forthwith upon the filing in his office, in accordance with the provisions of section 87 hereof, of a certified copy of any such certificate, the Commissioner and Gold Commissioner shall, wherever necessary, amend the water records acquired by the power company so as to accord with the provisions of such certificate.

Sec. 90. From time to time, as occasion may require, after the granting of a first certificate in manner aforesaid, the power company may apply to the Lieutenant-Governor in Council in manner provided by section 85 of this Act, for a further certificate in respect of the remainder or of any further specified portion of the undertaking and works of the power company, the construction and operation whereof is then intended to be presently undertaken by the company, and the Lieutenant-Governor in Council may grant to the power company a further certificate in manner and to the effect in sections 86, 87, 88 and 89 of this Act mentioned and provided; and every such further certificate shall be filed and published in manner provided for the filing and publication of the first certificate.

2. The first aggregate period of twelve months hereinbefore provided in respect of the first specified portion of the undertaking and works shall not be extended under any circumstances, and no period of time fixed by any certificate granted to the power company shall be extended upon application made after such time has elapsed, except on condition that such extension shall be subject to any intervening record acquired, or any record thereafter acquired upon an application, notice whereof was given after the expiry of such time and before such extension.

3. Upon any application made under this section, and before the expiry of the time fixed in that behalf by the said first certificate, or, subject to the provisions of sub-section (2) of this section, the Lieutenant-Governor in Council may vary, add to, abridge, alter or amend the terms and conditions of the said first certificate, and may extend or abridge the times fixed and appointed therein.

Sec. 91. The rights, powers, privileges and priorities which shall be acquired, had, exercised, and enjoyed by the power company for the purposes of its undertaking and works shall, so long as the same are used for such purposes, be vested in the power company.

Sec. 92. Any person through, or upon, whose lands the undertaking and works of the company are intended to be placed or constructed, in whole or in part, or any company whose works will be paralleled by the proposed works, may, within the time and in the manner appointed by the Lieutenant-Governor in Council in that behalf by rules and regulations under this Act, give notice in writing, stating that he objects to the construction and operation of the proposed undertaking and works of the power company, in whole or in part, and such objection shall be heard by the Lieutenant-Governor in Council, who shall, after hearing evidence, upon oath if required, determine the same, and may in respect of the matters made to appear upon the hearing of such objection, impose upon the power company such conditions, if any, as he sees fit. A certified copy of the Order in Council determining the objection shall be transmitted to the Registrar of Joint Stock Companies, and to the Commissioner and Gold Commissioner having territorial jurisdiction in the locality or place affected thereby.

Sec. 93. The power company shall, subject to and under and pursuant to the terms and conditions of its Memorandum and Articles of Association, and also subject to and under and pursuant to the terms and conditions of every certificate and Order of the Lieutenant-Governor in Council in respect thereto, be entitled to avail itself of and be subject to all the provisions hereinafter in this part of this Act contained so far as the same are applicable to, and may be applied to the undertaking and works of the power company, in whole or in part, and to the exercise by the power company of its corporate rights, powers, privileges and priorities, or any of them.

Sec. 94. The privileges and powers by this Part of this Act granted, are subject to the following provisions:—

(a.) The power company shall not interfere with the public right of traveling on or using such roads, streets, highways or water-courses, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway, or free access to any building erected in the vicinity. The power

company shall not affix within or without the corporate limits of any municipality any wire less than twenty feet above the surface of the street or road, nor erect more than one line of poles along any road or street without the consent of the municipality. In every municipality the poles shall be as nearly as possible straight and perpendicular, and shall be painted, if so required by any by-law of such municipality.

(b.) Whenever, in case of fire, it becomes necessary for its extinction, or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the power company, under the directions of the chief engineer or other officer in charge of the fire brigade, shall not entitle the power company to demand or claim compensation for any damage thereby incurred. The power company shall be responsible for all damage which its agents, servants, or workmen cause to individuals or property in carrying out or maintaining any of its undertakings and works.

(c.) Within the limits of any municipality, the opening up of streets for the erection of poles, or for carrying the wires underground, shall be subject to the direction or approval of the engineer or such other official as the municipality appoints, and shall be done in such manner as the municipality directs; the municipality may also direct and designate the places where the poles are to be erected in such municipality; in an unincorporated district such works shall be subject to the supervision and approval of the Chief Commissioner of Lands and Works.

(d.) The surface of the street shall, in all cases, be restored, as far as possible, to its former condition by and at the expense of the power company.

Sec. 95. The power company may and is hereby authorized and empowered to transmit and distribute compressed air, electric power, light and heat.

Sec. 96. The power company shall have power to construct, maintain, complete, and operate a single or double track tramway, or any aerial or other tramway or tramways, with the necessary side-tracks and turnouts for the passage of cars, teams, carriages, and other vehicles adapted to the same, and to build bridges, and erect, acquire, and maintain telegraph and telephone poles upon, and along, and above any lands or highways in the said Province which are in the line of the tramway intended to be built by such power company, sub-

ject, in so far as the same passes over or along any highways, to the permission and under the supervision of the Chief Commissioner, who, if he shall see fit to give permission to operate on any highway, shall fix the location of the tramways over the said highways between the said points, and may direct the paving, macadamizing, repairing, and grading of such highways, and the construction, opening up, and repairing of ditches or drains along or across the said highways and from time to time may give such directions as he may see fit and proper for the due protection and convenience of the public, and the maintenance and preservation of public roads and highways, but in so far as the tramway, telegraph or telephone passes through or lies within the limits of any municipality, to the assent of the Council of such municipality, and to such regulations and conditions, modifications, changes, matters, and things as such municipality may, from time to time, by by-law enact. The power company shall have power to take, transfer, and carry passengers and ore, minerals and freight, upon their tramway by the force or power of animals, or such steam, electric, water, or other motive power as the company may deem expedient.

Sec. 97. The power company shall have power to construct telegraph and telephone lines and may establish offices for the transmission of messages for the public, and make rates and collect tolls for the use thereof by the public, and to do such other things as may be necessary to fully and completely carry on and operate such works, and for the purposes of erecting and working such telegraph and telephone lines the power company may enter into a contract with any other company, foreign or domestic, or may lease any of the company's lines or any portion thereof.

Sec. 98. The power company shall have power to construct and maintain buildings, erections, reservoirs, wheels, weirs, dams, raceways, aqueducts, viaducts, tramways and all other necessary works connected therewith for making the water-power available and utilizing and improving and increasing the water privileges from time to time acquired, held and used by the power company.

Sec. 99. The power company shall have power to erect, construct, operate and maintain electric works, power houses, generating plant, and such other appliances and conveniences as are necessary and proper for the compressing of air, the

generating of electricity or electric power, and for transmitting such compressed air, electricity or electric power to be used by the power company as a motive power for the operation of motors, machinery, or electric lighting or other works of the company or to be supplied by the company to consumers for heating or as a motive power for propelling tramways, or for driving, hauling, lifting, pumping, lighting, crushing, smelting, drilling and milling, or for any other operations to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which compressed air, electricity, or electric power may be applied or required, and for any of the above purposes the company is hereby authorized and empowered by its servants, agents, contractors and workmen, from time to time, to make and erect such electric works and sink, lay, place, fit, maintain and repair such electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connections, branches, electric motors, dynamos, engines, machines, cuts, drains, water-courses, pipes, buildings and other devises; and to erect and place any electric line, cable, main, wire or other electric apparatus above or below ground, along, or over, or across any road, street, or bridge, and to erect poles for the purpose of placing the same in such manner as the power company shall think fit, necessary or proper for the purpose of carrying out the operations of the power company in respect of and incidental to the making, generating or supplying of electricity; and also for all such purposes to open, break up the soil and pavement of the roads, streets or bridges, and to open and break up any sewers, drains or tunnels within or under such roads, streets and bridges, and to erect poles, posts, pillars, lamps, globes or other apparatus in or upon the said roads, streets or bridges, or against any wall or walls erected on the same or adjoining thereto, and to dig and sink trenches and drains and to lay electric lines, cables and mains, and to put electric lines, wires, switches, and connection boards from such electric lines, cables and mains, in, under, across or along such roads, streets and bridges, and from time to time to cut, remove, alter, repair, replace and relay such electric lines, cables, mains, wires, switches, and connection branches, or other apparatus.

(a.) Provided that all such powers shall, so far as regards any lands included within the area incorporated as a municipality, be subject to such conditions as the municipality may

impose; provided, however, that the company shall have the right of appeal, in a summary manner by petition, to a Judge of the Supreme Court of British Columbia from the conditions imposed by any municipal council, or from any regulation thereof, and the Judge shall thereupon prescribe under what regulations and conditions the company shall be allowed to exercise the powers hereby conferred within the limits of such municipality.

(b.) And provided, also, that in places other than municipalities, the power shall be subject to such regulations as the Chief Commissioner of Lands and Works may impose.

Sec. 100. The power company shall have power, and the power company, its workmen, servants and agents are empowered and authorized to enter into and upon any lands of any person or body politic or corporate, to survey, set out, ascertain and take, expropriate, hold and acquire such parts thereof as it may require for the purposes of the undertaking and works of the power company, in whole or in part; subject, however, to making compensation therefor in manner hereinafter provided for the expropriation of lands.

(a.) The power company may also, by its workmen, servants, or agents enter into and upon any lands adjoining the works of the said company, whereupon any line or lines of pipe, fluming or viaducts have been laid or erected by the power company in connection with its undertaking and works, and clear the said lands of timber and underwood to such width on each side of the said undertaking and works as the power company may deem necessary for the proper protection of the same; subject, however, to making compensation in manner hereinafter mentioned for such clearing or any damage done.

Sec. 101. The power company shall have power and it shall be lawful for the power company, their servants, agents, and workmen, from time to time to enter into and upon the land of any person or body politic or corporate, lying in the line of the tramway intended to be built by such company, and to survey, set out and ascertain such parts thereof as they require for the said undertaking and work, and to contract with the owners and occupiers of the lands lying between the said points, and those having any interest in the same, for the purchase of the same, or any part thereof, or of any privilege that may be required for the purposes of this Act, and for the right to take timber, stone, gravel, sand and other mate-

generating of electricity or electric power, and for transmitting such compressed air, electricity or electric power to be used by the power company as a motive power for the operation of motors, machinery, or electric lighting or other works of the company or to be supplied by the company to consumers for heating or as a motive power for propelling tramways, or for driving, hauling, lifting, pumping, lighting, crushing, smelting, drilling and milling, or for any other operations to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which compressed air, electricity, or electric power may be applied or required, and for any of the above purposes the company is hereby authorized and empowered by its servants, agents, contractors and workmen, from time to time, to make and erect such electric works and sink, lay, place, fit, maintain and repair such electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connections, branches, electric motors, dynamos, engines, machines, cuts, drains, water-courses, pipes, buildings and other devises; and to erect and place any electric line, cable, main, wire or other electric apparatus above or below ground, along, or over, or across any road, street, or bridge, and to erect poles for the purpose of placing the same in such manner as the power company shall think fit, necessary or proper for the purpose of carrying out the operations of the power company in respect of and incidental to the making, generating or supplying of electricity; and also for all such purposes to open, break up the soil and pavement of the roads, streets or bridges, and to open and break up any sewers, drains or tunnels within or under such roads, streets and bridges, and to erect poles, posts, pillars, lamps, globes or other apparatus in or upon the said roads, streets or bridges, or against any wall or walls erected on the same or adjoining thereto, and to dig and sink trenches and drains and to lay electric lines, cables and mains, and to put electric lines, wires, switches, and connection boards from such electric lines, cables and mains, in, under, across or along such roads, streets and bridges, and from time to time to cut, remove, alter, repair, replace and relay such electric lines, cables, mains, wires, switches, and connection branches, or other apparatus.

(a.) Provided that all such powers shall, so far as regards any lands included within the area incorporated as a municipality, be subject to such conditions as the municipality may

impose; provided, however, that the company shall have the right of appeal, in a summary manner by petition, to a Judge of the Supreme Court of British Columbia from the conditions imposed by any municipal council, or from any regulation thereof, and the Judge shall thereupon prescribe under what regulations and conditions the company shall be allowed to exercise the powers hereby conferred within the limits of such municipality.

(b.) And provided, also, that in places other than municipalities, the power shall be subject to such regulations as the Chief Commissioner of Lands and Works may impose.

Sec. 100. The power company shall have power, and the power company, its workmen, servants and agents are empowered and authorized to enter into and upon any lands of any person or body politic or corporate, to survey, set out, ascertain and take, expropriate, hold and acquire such parts thereof as it may require for the purposes of the undertaking and works of the power company, in whole or in part; subject, however, to making compensation therefor in manner hereinafter provided for the expropriation of lands.

(a.) The power company may also, by its workmen, servants, or agents enter into and upon any lands adjoining the works of the said company, whereupon any line or lines of pipe, fluming or viaducts have been laid or erected by the power company in connection with its undertaking and works, and clear the said lands of timber and underwood to such width on each side of the said undertaking and works as the power company may deem necessary for the proper protection of the same; subject, however, to making compensation in manner hereinafter mentioned for such clearing or any damage done.

Sec. 101. The power company shall have power and it shall be lawful for the power company, their servants, agents, and workmen, from time to time to enter into and upon the land of any person or body politic or corporate, lying in the line of the tramway intended to be built by such company, and to survey, set out and ascertain such parts thereof as they require for the said undertaking and work, and to contract with the owners and occupiers of the lands lying between the said points, and those having any interest in the same, for the purchase of the same, or any part thereof, or of any privilege that may be required for the purposes of this Act, and for the right to take timber, stone, gravel, sand and other mate-

rials from the aforesaid lands or any lands adjacent thereto, for the use and construction of the said undertaking and work.

Sec. 102. Subject to the approval of the Chief Commissioner in unincorporated districts and to the approval of the municipality in incorporated districts, it shall be lawful for the power company to divert or alter the course of any road or way crossing the tramway, or to raise or sink any road or way, in order to more conveniently carry the same over or under, or by the side of the tramway, and if in the course of making the tramway the power company shall interfere with any road or way, they shall, with all convenient speed, made good to the satisfaction of the Chief Commissioner or the municipality, as the case may be, all damage done by them to such road or way. And all rails laid by the power company shall be of a description approved by the Chief Commissioner.

Sec. 103. It shall be lawful for the owners or occupiers of any mine traversed by the tramway of the power company to lay down upon their own land or mine any collateral branches of tramway to connect with the power company's tramway, for the purpose of bringing trams to or from such company's tramway, and the power company shall, on such terms and conditions as may be agreed upon by the power company, and the owner or owners of such mine, make such switches as may be necessary for effecting such communication, and make contracts for the carriage of freight and ore by the power company, and for the supply of electricity by the said company. And the powers in this section may be exercised by any mining company working or owning any mine, whether such powers are or are not contained in the memorandum of association or partnership articles of such company.

Sec. 104. When the power company opens or breaks up the roadway or pavement of any highway, street, or bridge, or any sewer, drain or tunnel, it shall, with all convenient speed, complete the work for which the same shall be broken up, and shall fill in the ground, reinstate and make good the road or pavement, or the sewer, drain or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times whilst any such roads or pavements shall be opened or broken up, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be opened or broken up every night

during which the same shall be continued open or broken up.

Sec. 105. Where it shall so happen that any tramway constructed by the power company shall pass through any narrow pass, which is too narrow for the passage of another line of tramway, without entailing great expense, any other company proposing to run a tramway line which would pass through the same pass or canon shall be entitled to run their engines, cars, trucks, or other vehicles over, and have all other running powers over, the said first-mentioned line of tramway through such pass or canon for such a distance as will enable such second company to carry out the intention of its promoters, without any unnecessary expense from the fact of said pass or canon being already occupied by such first-mentioned line of tramway.

Sec. 106. The exercise of any such running powers over any tramway line through such a pass or canon shall entitle the company owning such line to compensation; and in case the parties interested therein cannot agree upon the amount to be paid, such amount shall be ascertained in manner hereinafter provided for ascertaining the value of lands upon expropriation.

Sec. 107. The power company shall have power and is hereby authorized and empowered to acquire by purchase or otherwise the right to use, and to use and employ, power already developed by others, at any point or points, and whether the same be in the form of electrical power or otherwise.

Sec. 108. The power company shall have power to enter into contracts with any person or corporation, and with any municipality, for building and equipping street railways or tramways, and for lighting the streets of any municipality and supplying it or them with power and heat, and any such contract shall be valid and binding for the term of years thereby agreed upon by the company and any such person, municipality or corporation so contracted with.

Sec. 109. The power company shall have the power to enter into and conclude any agreement with any other power company, tramway, or railway company, or any corporation, for leasing or selling to them the property, real or personal, rights, contracts, privileges, powers and franchises of the company, or any part thereof, or for the working or managing of any of its undertakings or works, or for running powers over the same, or any part thereof; provided that such agreement shall

be approved of by two-thirds in value of the shareholders at any special meeting called for that purpose.

Sec. 110. The power company shall have the power to purchase, take over, lease or otherwise acquire, all or any part of the property, real and personal, rights, contracts, privileges and franchises of any other person, power company, or company, and shall have, when the same are acquired, all the powers, contracts, privileges, priorities, rights and franchises of any such person or company that may have been conferred upon any such person or company by concession, agreement, charter, Acts of incorporation, by-laws or contracts with any municipality, so that the same shall be held, exercised and enjoyed by the power company as fully as if specially conferred hereby, and the power company in the exercise of its undertaking, and in the exercise of any of its powers of acquirement, shall become possessed of all the property, rights, contracts, privileges, and franchises of such person or company, and the right to exercise all such powers and franchises, and to operate the undertakings and works so acquired, and after having acquired the property, rights, contracts, privileges, priorities and franchises of any such person or company, by purchase under any power of sale or trust for sale contained in any trust deed securing debentures or having purchased from any person or persons, or corporation or corporations, who may have been the purchaser or purchasers at any such sale or otherwise, shall stand possessed of the title to all the property, rights, contracts, privileges, and franchises as previously held by such person or company so purchased or acquired, with all the powers, statutory, municipal and otherwise, for the due operation of the same, and the power company shall have power to carry on the business of such person or company so acquired in the name or names of such company so acquired (where acquired from a company), if thought fit. Provided, that the power company may lease the property, rights, contracts, privileges and franchises of any other company, from any such purchaser or purchasers, under the power of sale, or trust for sale contained in any trust deed, securing debentures, and in such case the power company as lessee shall have the right to exercise all the powers, rights, contracts, privileges and franchises conferred originally upon any such other company.

Sec. 111. Any municipality and the power company are

hereby respectively authorized to make and to enter into any agreement or covenant relating to the construction of the undertaking and works of the power company in whole or in part, and for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers and the laying of electric lines, cables, and water pipes in the said streets and highways, the location of any tramway, and the particular streets along which the same shall be laid, the pattern of rails, the time and speed of running the cars, amount of fares to be paid by passengers, the time in which the works are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the power company, and the non-obstructing or impeding of the ordinary traffic.

Sec. 112. The power company is hereby authorized and empowered to take, transport and carry passengers and freight over the tramways of such company, and to make rates and charges for the carriage and transportation thereof.

Sec. 113. On any and all of the lines of tramways of the power company a fare shall be due and payable by every passenger to such company on such passenger entering the car or other conveyance, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or other conveyance when requested so to do by the conductor or driver, may be ejected from the car, and shall, upon summary conviction, be liable to a fine of not exceeding twenty dollars with costs.

Sec. 114. The cars and carriages of the power company, while running on the said tramway of such company, or any of them, shall have the right to use the said tramways as against all other vehicles whatever; and all other such vehicles using the said tramways, whether meeting or proceeding in the same direction as the said cars or carriages, shall turn out of the said track of the said tramways and permit the said cars and carriages to pass, and shall in no case and under no pretense whatever obstruct or hinder the passage thereof and the free use of the said tramways by the said cars and carriages of the power company.

Sec. 115. The directors of the power company shall have full power to make—

(a.) By-laws, rules and regulations to be observed by the officers and servants of the power company and by all other persons using the tramways, rails, electric lines, electricity, electrical appliances, or any property of the power company.

(b.) Also rules and regulations for the maintenance and management of the power company's undertakings and works and for the collection of tolls for freights or ores, fares for the carriage of passengers, rates for electricity supplied, and rents for electric lines and appliances let for hire, and for fixing the time or times when and the places where the same shall be payable, and in case of default of payment to enforce payment by cutting off the electricity, or by suit at law, or both; and

(c.) For the collection of the power, lighting and heating, rates or rents, and for fixing the time or times when and the places where the same shall be payable, and in case of default in payment to enforce payment by cutting off the electricity, or by suit at law, or by both: Provided, always, that such by-laws are not in conflict with any of the provisions of this Act.

Sec. 116. No person shall carry or require the power company to carry, upon its tramway, aqua fortis, oil of vitrol, gunpowder, nitroglycerine, or any other goods which in the judgment of any agent of such company are of a dangerous nature; and every person who sends by the tramway any such goods without at the time of so sending the same, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station master or other servant of the power company with whom the same are left, shall forfeit to such company the sum of twenty dollars for every such offense, to be recovered in an action as for a debt in any Court of competent jurisdiction.

(a.) The power company may refuse to take any package or parcel which any agent of such company suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact, and the power company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of which shall be plainly painted in large letters the words "dangerous explosives;" and for each neglect to comply with the provisions of this sub-section, the company shall incur a penalty of five hundred dollars, which shall be recoverable by any person who sues for the same.

Sec. 117. The power company shall have power to enter into and conclude any agreement with the proprietors of carriages for passengers or freight, or express conveyances, for the delivery of passengers, freight or express, or to purchase or equip passenger, freight, mail or express conveyances for the aforesaid purpose.

Sec. 118. It shall be lawful for the power company to contract with any person, corporation or company for supplying with electricity or electric power any such person, corporation or company upon or in any roads, streets, ways, lanes, passages, tramways, railways, manufactories, shops, warehouses, public or private houses, buildings and places, and for such purposes may, from time to time, lay down, carry, fit up, connect and furnish any electric accumulator, storage battery, electric line, cable, wire, pipe, switch, connection, branch, burner, lamp, meter or other apparatus, for or in connection with any electric line, main, lead or cable, or to lay down any new electric line, main, lead or cable, which for such purposes may be required, and to let any such apparatus for hire or for such sum as may be agreed upon. The company shall, from time to time, supply electricity and electric power to any premises lying within fifty yards of any main supply wire or cable, suitable for that purpose, on being required by the owner or occupier of such premises: Provided, however, the power company, before supplying electricity and electric power, or making such connection, or as a condition to the power company continuing to supply the same, may require any customer to give reasonable security for the repayment to the power company of the costs of making such connection, and for the payment of the proper charges for electric supply and for rent of instruments: Provided, also, that all parties supplied with electric light by the power company may be required to place and use only such lamps as may be approved of by the power company.

Sec. 119. If any person neglects to pay any charge for electricity, or any other sum due from him to the power company, either in respect of the supply of electricity to such person, or in respect of the rent reserved by the power company for the use of electric lines, meters, accumulators, transformers, motors, distribution boards, lamps, fittings, works or apparatus lent or supplied for hire to such persons, the power company may cut or disconnect any electric line or other

work through which electricity may be supplied, and remove such articles and works above mentioned as were let for hire to such person.

Sec. 120. Where any electric lines, accumulators, transformers, motors, meters, generators, distribution boards, lamps, fittings, works or apparatus belonging to the power company are placed in or upon any premises not being in possession of the power company for the purpose of supplying electricity, such electric lines, accumulators, transformers, motors, meters, generators, distribution boards, lamps, fittings, works or apparatus shall not be subject to distress for rent for the premises where the same may be, nor be taken in execution under any process of law or equity against the person in whose possession the same may be.

Sec. 121. Any person appointed by the power company may, at all reasonable times, enter on any premises to which electricity is or has been supplied by the power company, in order to inspect electric lines, accumulators, fittings, works, and apparatus for the supply or application of electricity belonging to the power company therein, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where supply of electricity is no longer required, or where the power company is authorized to take away or cut off the supply of electricity from any premises, for the purpose of removing any electric lines, accumulators, transformers, motors, distribution boards, meters, fittings, lamps, works or apparatus belonging to the power company.

Sec. 122. The power company may receive, take, hold, enjoy, or lease from any government, person, corporation, municipal or otherwise, any lands, bonuses, donations, loans, gifts of money, bonds, guarantee of bonds, or interest guarantees, exemption from taxes, or other impost, or any or all of the same, and generally any benefit or advantage to the power company or in aid of the same, of any nature or kind whatsoever; and may sell, lease, or otherwise dispose of the same, either conditionally or absolutely, or for any limited estate or interest therein, and upon such terms and conditions as the Directors may deem proper, and the generality of the latter part of this clause is not to be held to be restricted by the specific mention of the foregoing ways and means.

Sec. 123. Any person who shall maliciously or wilfully injure, molest or destroy any of the lines, posts, or other mate-

rial or property of the power company, or post up any advertisement, or print anything on any of the posts or other property of the power company, or in any way wilfully obstruct or interfere with the undertaking and working of the said electric plant or property, shall, on summary conviction thereof, be liable to a penalty for every such offense not exceeding one hundred dollars, together with costs.

Sec. 124. All actions or suits for indemnity for any damage or injury sustained by reason of the tramway, or the works or operations of the power company, shall be commenced within twelve months next after the time when such supposed damage is sustained, or if there is continuance of damage, within twelve months next after the doing or committing of such damage ceases, and not afterwards, and the power company and any other defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act.

Sec. 125. The powers and privileges conferred by this Act and the provisions hereof are hereby declared to be granted, subject to the rights of the Crown, and also subject to any future legislation regarding the subject-matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown, in right of the Province, such rents, royalties, tolls and charges in respect of the waters, or of the lands of the Crown (if any), rights and privileges, which shall be set out, appropriated, or enjoyed by the power company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper; and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but that no increase in the amount of any such rents, royalties, etc., fixed by any such Order in Council, shall be made within the space of three years from the passage of the Order in Council fixing the same.

Sec. 126. The following clauses of the "British Columbia Railway Act" shall, mutatis mutandis, and in the absence of any provision in this Part of this Act expressly relating to the

subject matter of any such clause, be incorporated with this Part of this Act, and apply to any power company formed hereunder, which includes among its objects of incorporation the construction or operation of tramways, when and so soon as the power company in exercise thereof proceeds to construct or operate a tramway, viz.: 10; 21 to 28, both inclusive; 31; 41, 42, 43, 78, 79 and 80.

V.

PROCEDURE FOR THE EXPROPRIATION AND ACQUISITION OF LAND IN AID OF THE EXERCISE BY MUNICIPAL CORPORATIONS OR INCORPORATED COMPANIES OF THE PRIVILEGES AND POWERS CONFERRED AND CREATED BY PARTS III AND IV OF THIS ACT.

Sec. 127. No undertaking or work of any municipality and no record or privilege appurtenant thereto shall be taken or purchased by any other municipality or by any incorporated company under this Act, except:

(a.) With the consent of the municipality owning such undertaking or work; or

(b.) Under authority of an Order in Council made by the Lieutenant-Governor in Council upon its being made to appear to him that such taking or purchase is necessary or expedient in the interests of the public.

Sec. 128. No undertaking or work, and no record or privilege appurtenant thereto of any incorporated company under this Act shall be compulsorily purchased by any other company engaged in constructing or operating any undertaking or work of the same kind and nature, except under authority of an Order in Council made by the Lieutenant-Governor in Council upon application made to him for that purpose, and upon its being made to appear upon such application that such compulsory purchase is necessary or expedient in the public interest.

Sec. 129. In the event of the compulsory purchase of any undertaking or work under authority of an Order in Council made by the Lieutenant-Governor in Council, under and by

virtue of section 127 or 128 of this Act, the purchasing company shall pay to the municipality or company from which such compulsory purchase is made the cost of construction and a sum sufficient to make up the interest on the capital invested in cost of construction and maintenance to the amount of fifteen per cent per annum to date of purchase, after taking into account any profit that may have been made up to that time, and a further sum equal to a bonus of thirty per cent on the capital actually invested.

(a.) In arriving at the sum to be paid by such purchasing company, the words "cost of construction" shall be deemed to include:—

1. All sums of money actually and bona fide spent in and about the organization of the company, including all engineering, legal and clerical expenses; or all sums of money actually and bona fide spent by the municipality in securing powers, rights, privileges or priorities, in respect of or relating to the undertaking or work purchased.

2. All sums of money actually and bona fide spent in and about the construction and maintenance of said undertaking or work up to date of purchase of the said works and property.

3. All sums paid by the municipality or company as and for damages, value, and compensation, to any person for the purchase or expropriation of lands, records and privileges passing with or appurtenant to the undertaking or work purchased.

4. All or any sum or sums reasonably and actually paid by the municipality or company to any person in respect of the undertaking or work purchased, and not hereinbefore enumerated.

Sec. 130. Wherever in any provision in Part III or Part IV of this Act a municipality or incorporated company is authorized to acquire, take and expropriate lands, records, franchises, powers and privileges for the purposes of any undertaking or work entered upon and to be carried out under the provisions of the said Parts of this Act, or any of them, the exercise of such powers shall be governed by the provisions of the "Lands Clauses Consolidation Act, 1897," and the rules of law and procedure therein laid down and established, and the said "Land Clauses Consolidation Act, 1897," shall apply to such municipality or incorporated company and to the undertaking and works thereof.

2. For the purpose of this Act in that behalf, the expression "the Special Act" wherever the same occurs throughout the said "Lands Clauses Consolidation Act, 1897," shall, in addition to and extension of the meaning in the said Act ascribed to such expression, mean and include the letters patent of a municipality, and the constitution of an incorporated company as constituted under section 46, section 56 and section 89 of this Act; and the expression "land" wherever the same occurs throughout the said Act shall, so far as relates to the method and procedure to be adopted and followed in ascertaining value and purchase price, and for the purpose of giving effect to the provisions of the said Parts III and IV in that behalf include water, water power, water records and all powers, privileges and priorities relating or appurtenant thereto, and all franchises, property, chattels, effects and rights.

Sec. 131. Wherever throughout this Act power is conferred upon any municipality or company to enter, take and expropriate lands, such power to take and enter shall extend to and authorize the entering and taking of Crown lands, save as hereinafter excepted, but the provisions of the "Lands Clauses Consolidation Act, 1897," shall not, unless expressly applied by an Order in Council, apply to the taking of Crown lands, but in lieu thereof the manner of fixing the compensation to be paid upon the taking of Crown lands shall be such as the Lieutenant-Governor in Council may from time to time, and whenever necessary with regard to the circumstances of each particular case, by Order in Council appoint.

2. The aforesaid power of entering and taking Crown lands shall not extend to lands which shall be expressly reserved by the Crown for any purpose whatever; and such lands may only be acquired for purposes under this Act, upon such terms and conditions as the Lieutenant-Governor in Council may from time to time appoint by Order in Council.

VI.

REGULATIONS AND REPEAL OF FORMER ENACTMENTS.

Sec. 132. A company may, subject to and by observance of the provisions of this section and of sections 9, 10, 11, 14, 15, 16. 17. 18. 19, and 20 of the "Companies Act, 1897," become spe-

cially incorporated for the purpose of exercising the rights, powers, privileges, and priorities in and by Part III, or in and by Part IV of this Act, created, granted and conferred.

1. The company shall, in and by its memorandum of association, provide for, assume, and take the following matters, powers and regulations:—

(a.) That the company shall, upon and after its incorporation, be governed by the provisions of the "Companies Clauses Act, 1897," to the exclusion of all the provisions of the "Companies Act, 1897."

(b.) That the company may, upon the conditions, and to the extent, and in the manner prescribed in such memorandum, exercise the powers contained and referred to in sections 5, 21, 43, 44, 55, 70, 75, 78, 103, 114, 115 and 118 of the said "Companies Clauses Act, 1897."

Sec. 133. The provisions of Table A in the First Schedule to the "Companies Act, 1897," shall not apply to any company incorporated pursuant to the provisions of the preceding section, but any such company may adopt such regulations not repugnant to or inconsistent with the provisions of the "Companies Clauses Act, 1897," as may be deemed expedient for the proper management and conduct of the business and affairs of the company.

Sec. 134. For the purposes of this Act in that behalf, the expression "the Special Act," wherever the same occurs throughout the said "Companies Clauses Act, 1897," shall in addition to and extension of the meaning in the said Act ascribed to such expression mean and include:

(a.) In the case of a company incorporated to provide water-works for a municipality, the conditions governing and the constitution of such company as provided by and designated in section 46 hereof;

(b.) In the case of a company incorporated to provide water-works for an unincorporated locality, the conditions governing and the constitution of such company as provided by and designated in section 56 hereof; and

(c.) In the case of a company incorporated as a power company, the conditions governing and the constitution of such company as provided by and designated in section 88 hereof.

Sec. 135. In order to incorporate with any other Act a part only of the provisions of this Act, it shall be sufficient in any

such other Act to enact that the parts of this Act with respect to the matter so proposed to be incorporated (describing such parts by the numbers of the Parts, or by the numbers of the sections in this Act contained) shall be incorporated with such other Act, and thereupon all the Parts and sections of this Act with respect to the matter so incorporated shall, save in so far as they shall be expressly varied or excepted by such other Act, form part of such other Act, and such other Act shall be construed as if the substance of such parts and sections were set forth therein, with reference to the matter to which such other Act shall relate.

Sec. 136. The Lieutenant-Governor in Council may at any time, by notice signed by the Chief Commissioner of Lands and Works and published in the British Columbia Gazette, reserve the unrecorded water in any stream or lake, or any portion thereof, for the use of the Crown or for municipal purposes, or for the purpose of making provision, wherever it appears expedient, as a source of supply for a wateer works system, or for such other purposes as may be deemed advisable.

(2.) An Order in Council establishing a reserve of water shall contain a direction for a record of the amount of water reserved, with all necessary particulars; and the Commissioner and Gold Commissioner shall make the necessary records to give effect thereto.

(3.) Such reservation and record thereof shall not prevent the acquiring or records subject thereto, and for the purpose of diverting and using the water in the interim prior to the establishment of such a system; but no rights to compensation shall be acquired by virtue of any such interim record.

(4.) Where any reservation of unrecorded water is made as aforesaid, the Lieutenant-Governor in Council may, in the Order in Council making such reserve, or in any subsequent Order or Orders, specify and declare the terms and conditions upon which the unrecorded water so reserved shall be available and may be acquired from the Crown for use in respect of the purposes for which it has been so reserved.

Sec. 137. The Lieutenant-Governor in Council shall have power to cancel any reservation of unrecorded water made under the preceding section, but the Order in Council providing for the cancellation shall not take effect until notice thereof shall have been published for three months in the British Columbia Gazette, and in some newspaper circulating in the

county in which the unrecorded water proposed to be affected is situate.

Sec. 138. The rights, powers, privileges and priorities created and conferred by, and to be hereafter acquired, held, and exercised under, this Act by any person, municipality or company shall be acquired, held, and exercised subject to and conditional upon the compliance with and observance by such person, municipality or company, with the provisions of the "Health Act," applying to the acquiring, holding, and exercising of such rights, powers, privileges and priorities, and any or either of them.

Sec. 139. Where under any record the right is acquired and held, to divert and use water for the purpose of generating power either by direct application of the water to machinery, or by the procuring or generating of electricity or other power, the company or person acquiring and holding such record shall, except where natural circumstances render it impossible or the terms of the record otherwise permit, return the water so diverted and used under such record to the watercourse or channel from which it is diverted and used; and such water shall, as far as possible, be so returned, unpolluted and undefiled.

(2.) If any company or person contravene the provisions of this section, the water rights and records and all privileges and priorities in connection with or appurtenant thereto shall, at the option of the Lieutenant-Governor in Council, upon proof to his satisfaction of such contravention, be forfeited and absolutely cease and determine, or may continue to be held by such company or person upon such terms and subject to such conditions as the Lieutenant-Governor in Council may by Order in Council declare and impose.

Sec. 140. In any action or suit for determining the rights of adverse claimants to records of unrecorded water and for the protection of rights to the use of and records of unrecorded water, and generally in any action or suit for determining the right to divert and use the water of any stream or lake, the plaintiff may join as defendants all persons diverting and using or claiming the right to divert and use the water of such stream or lake, and the Court may, in one judgment, settle the relative priorities and rights of all the parties to such action.

(2.) When in any such suit or action damages are claimed for the wrongful diversion of water, the same may be assessed

and apportioned by the jury in their verdict, or the Court in its judgment, and judgment may be entered for or against one or more of several plaintiffs or defendants, and the Court may, in its judgment, determine the ultimate rights of the plaintiffs as between themselves, and of the defendants as between themselves.

(3.) In any action or suit concerning joint water records or rights, or joint rights in water ditches, or other works for the conveyance of water, unless partition is claimed in the action, the Court shall hear and determine the action or suit as if such records and rights were several as well as joint.

Sec. 141. Any company having the right to use, and any company having the right to use, sell, or dispose of water or water power, or power procured or generated by means of water or water power, and having a surplus of water, water power, or power procured or generated therefrom as aforesaid not used or sold, is hereby required to, and such company shall, upon the payment or tender thereto of the amount of the charges or tolls legally chargeable in respect thereof, convey and deliver to any person or company desiring to use the same such surplus of water, water power, or power procured or generated therefrom as aforesaid, or such reasonable part thereof as may be required, and shall continue to so convey and deliver the same so long as said surplus exists and said payment or tender be made as aforesaid.

(a.) If any company shall refuse or neglect to comply with the provisions of this section, all the water records of such company, and all privileges and priorities in connection therewith, shall, at the option of the Lieutenant-Governor in Council, upon proof to his satisfaction of such refusal or neglect, be forfeited and absolutely cease and determine, or may continue to be held by such company upon such terms and subject to such conditions as the Lieutenant-Governor in Council may, by Order in Council, declare and impose.

(b.) Any person or company desiring to exercise the right by this section conferred of obtaining the use of surplus water, water power, or power procured or generated therefrom as aforesaid, must procure and furnish all necessary means of conveyance and all necessary appliances for the taking and using of such surplus water, water power or other power as aforesaid.

Sec. 142. In order to provide an adequate and uniform

method of procedure for the carrying out of the provisions of this Act, and for the performance by all officers, officials and persons named therein of all powers and duties conferred and imposed upon such officers, officials and persons by, and to give due and full effect to the meaning and intent of this Act and any amendment thereof, the Lieutenant-Governor in Council may, from time to time, make and discharge such rules and regulations as may, in his opinion, be necessary or desirable for carrying out the spirit, intent, and meaning of this Act in relation to the matters aforesaid, or any of them, and to matters for which no express provision has been made, or for or in respect of which only partial or imperfect provision has been made; and any such rules or regulations shall be published in at least one issue of the British Columbia Gazette, and shall have the force of law.

Sec. 143. In measuring water in any ditch or sluice, in the absence of any rules in that behalf established, by Order or Orders in Council, and applied to any record or any class of records, the following rules shall be observed:—The water taken into a ditch or sluice shall be measured at the ditch or sluice head. No water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it, and which trough shall be extended two feet beyond the orifice for the discharge of the water. One inch of water shall mean the quantity that will pass through an orifice two inches high by half an inch wide made in a two-inch plank, the water to have a constant head of seven inches above the upper side of the orifice, and every additional inch of water shall mean so much as will pass through the said orifice extended horizontally half an inch. In cubic measurement, one inch of water shall mean a flow of water equal to 1.68 cubic feet per minute.

Sec. 144. Every Commissioner and Gold Commissioner shall, with respect to all rights to divert and to use water, acquired and held under Parts III and IV of this Act, have the like powers in regard to the adjustment of water supply and the equitable distribution thereof between rival claimants in order to procure the greatest beneficial use of the entire available water supply as are vested in and possessed by such Commissioner and Gold Commissioner under the provisions of section 18, and under all other sections in the like behalf in Part II of this Act contained.

Sec. 145. The Chief Commissioner, and every Commissioner and Gold Commissioner shall have power to enforce compliance with the provisions of this Act, and with all rules and regulations from time to time in force thereunder, and for the purpose of enforcing such compliance may give notice in writing to any municipality, company or person contravening, or refusing, or neglecting to carry out any of the provisions of this Act, or of any rule or regulation in force thereunder, requiring immediate compliance with such provision, rule, or regulation, as the case may be, and if such municipality, company, or person neglect or refuse to comply with the demands and directions in such notice contained, or any of them, the water rights and records and all privileges and priorities in connection with or appurtenant thereto, of the municipality, company or person so neglecting or refusing shall, at the option of the Lieutenant-Governor in Council, upon proof to his satisfaction of such neglect or refusal, as aforesaid, be forfeited and absolutely cease and determine, or may continue to be held and enjoyed by such municipality, company, or person, upon such terms and subject to such conditions as the Lieutenant-Governor in Council may by Order in Council declare and impose.

Sec. 146. Any holder of any water record, or other person who shall wrongfully waste any quantity of water heretofore or hereafter acquired, by record or otherwise, by diverting any more of it from its natural course, through any ditch or otherwise, than the quantity actually required by him for the purposes specified in the record by virtue of which such water has been diverted, or for any other purpose for which such water may lawfully be used, shall, upon summary conviction before a Commissioner, or Gold Commissioner, who shall, for the purposes of this section, have all the powers of a Stipendiary Magistrate, be liable to a penalty not exceeding one hundred dollars for each such offense.

Sec. 147. No holder of any water record or water right shall have any right to interfere with or prevent the construction of any dams, breakwaters, or other improvements made or hereafter to be made for the purpose of saving or economizing the water of any stream or lake: Provided, that the construction or use of such dam or breakwater or improvements does not nor will divert such water from its proper channel,

at the point or place where such holder takes the water used by him into his ditch or works: Provided, also, that the construction and use of such dam or breakwater or improvements shall not injure the source from which such water is taken, or the property of any person, by backing water, flooding, or otherwise: Provided, also, that all disputes arising upon any matter or thing in this clause contained, shall be decided in a summary manner before the Commissioner, or Gold Commissioner, who shall have power to render such decision as shall seem to him just and equitable.

Sec. 148. In all cases where the validity of any water record made before the sixth day of April, 1886, may be called in question, and the Court or Judge before whom the case is pending shall be of opinion that such record was bona fide made, the same shall be held to be good and valid so far as the making and entry thereof is concerned, and effect shall be given thereto according to the intent thereof.

Sec. 149. Every by-law, resolution, or minute of any power company under this Act fixing, and every other schedule or proceeding which fixes or determines the tolls, fares, rates, rents or charges to be made, levied and collected by such power company, shall, within thirty days after the passing or making thereof, be submitted to the Lieutenant-Governor in Council for approval, who may approve or disapprove of the same, in whole or in part, and may adjust, increase or decrease such tolls, rates or charges as he may deem expedient in the public interest.

(a.) Every schedule or scale as approved pursuant to this section shall be published in form and manner directed in any rules and regulations for the time being in force under this Act, or as may from time to time be directed by the Lieutenant-Governor in Council, and in any action brought against any person in respect of non-payment of any charge thereunder, such person may plead as an answer to such action that such publication has not been made as aforesaid.

Sec. 150. The Lieutenant-Governor in Council may, from time to time, appoint any person to act as Water Commissioner under this Act, and such person for the purposes of such appointment, shall have all such powers under this Act vested in the Lieutenant-Governor in Council, and in a Commissioner or Gold Commissioner, as may be conferred upon

such person by Order in Council, or by any rules and regulations for the time being in force under this Act.

Sec. 151. The Lieutenant-Governor in Council may, from time to time, by Order in Council, establish a scale of fees payable on any proceeding taken under this Act, and provide regulations for the payment and collection thereof. Every such scale of fees shall be published for one month in the British Columbia Gazette.

Sec. 152. In case of companies incorporated under provisions of this Act, and in case of companies incorporated at the present or any future Session whose Act of Incorporation shall be subject to the "Water Clauses Consolidation Act, 1897," or any part thereof, the same shall be, and the same is hereby declared to be, subject to the "Alien Labor Act, 1897."

Sec. 153. This Act shall come into force on the first day of June, 1897.

REPEAL.

Sec. 154. The following Acts and parts of Acts are hereby repealed:

(a.) Secions 59 to 79, both inclusive, 128, 129, 130, 131, 132, 133 and 134, of the "Mineral Act, 1896."

(b.) Section 54 and sections 56 to 78, both inclusive, of the "Placer Mining Act, 1891."

(c.) Section 2 of the "Placer Mining Amendment Act, 1894."

(d.) Sections 39 to 52, both inclusive, of the "Land Act."

(e.) Section 9 of the "Land Act Amendment Act, 1891."

(f.) "An Act providing for the election and defining the duties of Water Viewers," being chapter one hundred and seventeen of the "Consolidated Acts, 1888."

(g.) The "Water Privileges Act, 1892."

2. Provided that such repeal shall not affect any rights acquired or any liabilities or penalties incurred, or any act or thing done under any of the said Acts or parts of Acts.

NORTHWEST TERRITORIES' CONSOLIDATED IRRIGATION ACT.

57-58 VICTORIA.

CHAP. 30.

An Act respecting the utilization of the waters of the Northwest Territories for Irrigation and other purposes.

(Assented to 23rd July, 1894.)

(As amended by 58-59 Vic., chap. 33, assented to 22nd July, 1895.)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sec. 1. This Act may be cited as the Northwest Irrigation Act.

Sec. 2. In this Act, unless the context otherwise requires—

(a.) The expression "minister" means the Minister of the Interior.

(b.) The expression "agent" means the agent of Dominion lands for the district in which the land or water is situated. (58-59 V., c. 33, s. 1, part.)

(c.) The expression "Dominion land surveyor" means a surveyor duly authorized, under the provisions of The Dominion Lands Act, to survey Dominion lands.

(d.) The expression "company" means any incorporated company, the objects and powers of which extend to or include the construction or operation of irrigation or other works under this Act, or the carrying on thereunder of the business

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NOTES.

(1.) The number of each section of the Amending Act, 58-59 Vic., chap. 33, is noted at the end of each of such sections, respectively, as they are inserted in this consolidation.

(2.) Section 8 of the Amending Act has not been inserted in this consolidation. It is as follows:

Sec. 8. The provisions of sections thirty-five, forty-two and forty-three of the said Act shall not apply to any irrigation district incorporated under an Ordinance of the Northwest Territories.

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of the supply or the sale of water for irrigation or other purposes, and includes any person who has been authorized or has applied for authority to construct or operate such works or carry on such business, or who has obtained a license under section eleven of this Act, and also includes any irrigation district incorporated under an Ordinance of the Northwest Territories. (58-59 V., c. 33, s. 1, part.)

(e.) The expression "works" means and includes any dykes, dams, weirs, flood-gates, breakwaters, drains, ditches, basins, reservoirs, canals, tunnels, bridges, culverts, cribs, embankments, headworks, flumes, aqueducts, pipes, pumps, and any contrivance for carrying or conducting water or other works which are authorized to be constructed under the provisions of this Act.

(f.) The expression "duty of water" means the area of land that a unit of water will irrigate, which unit is the discharge of one cubic foot of water per second.

Sec. 3. This Act shall apply to and be in force throughout the Northwest Territories.

Sec. 4. The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, ravine, canon, lagoon, swamp, marsh or other body of water shall, for the purposes of this Act, be deemed to be vested in the Crown, unless and until and except only so far as some right therein, or the use thereof, inconsistent with the right of the Crown, and which is not a public right or a right common to the public, is established; and, save in the exercise of any legal right existing at the time of such diversion or use, no person shall divert or use any water from any river, stream, watercourse, lake, creek, ravine, canon, lagoon, swamp, marsh or other body of water, otherwise than under the provisions of this Act.

2. The said Act shall be read and construed as if the section hereby substituted had originally formed a part thereof instead of the section hereby repealed. (58-59 V., c. 33, s. 2.)

Sec. 5. Except in pursuance of some agreement or undertaking existing at the time of the passing of this Act, no grant shall be hereafter made by the Crown of lands or of any estate, in such terms as to vest in the grantee any exclusive or other property or interest in or any exclusive right or privilege with respect to any lake, river, stream or other body of water, or in or with respect to the water contained or flowing therein, or the land forming the bed or shore thereof.

Sec. 6. After the passing of this Act, no right to the permanent diversion or to the exclusive use of the water in any river, stream, watercourse, lake, creek, ravine, canon, lagoon, swamp, marsh or other body of water, shall be acquired by any riparian owner or any other person by length of use or otherwise than as it may be acquired or conferred under the provisions of this Act, unless it is acquired by a grant made in pursuance of some agreement or undertaking existing at the time of the passing of this Act.

Sec. 7. Except for domestic purposes, as hereinafter described, every person who holds water rights of a class similar to those which may be acquired under this Act, or who, with or without authority, has constructed or is operating works for the utilization of water, shall obtain a license or authorization under this Act before the first day of July, one thousand eight hundred and ninety-six. (58-59 V. c. 33, s. 3.)

2. If such license or authorization is obtained within the time limited, the exercise of such rights may thereafter be continued, and such works may be carried on under the provisions of this Act, otherwise such rights or works, and all the interest of such person therein, shall without any demand or proceeding be absolutely forfeited to Her Majesty and may be disposed of or dealt with as the Governor in Council sees fit.

3. The application for such license or authorization shall be made in the same manner as for other licenses or authorization under this Act, and the like proceedings shall be had thereon and the like information furnished in connection therewith.

Sec. 8. Any water the property in which is vested in the Crown may be acquired, for domestic, irrigation, or other purposes, upon application therefor as hereinafter provided; and all applications made in accordance with the provisions of this Act shall have precedence, except applications under section seven, according to the date of filing them with the agent, if for the same purpose, but not otherwise.

2. The purposes for which the right to water may be acquired are of three classes, namely: First, domestic purposes, which shall be taken to mean household and sanitary purposes and the watering of stock, and all purposes connected with the working of railways or factories by steam, but shall not include the sale or barter of water for such purposes; second, irrigation purposes; and third, other purposes.

3. Applications shall have precedence in this order irrespective of the date of filing, so that all applications for domestic purposes shall have the precedence of all those for irrigation and other purposes, and all applications for irrigation purposes shall have precedence of all those for purposes within the third class.

Sec. 9. No application for any purpose shall be granted where the proposed use of the water would deprive any person owning lands adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes.

Sec. 10. When any person abandons or ceases to use any waters acquired by him for the purposes for which they were acquired, or wastes such waters, his right to use them shall cease.

Sec. 11. Any person contemplating or projecting any works under this Act, may, upon submitting a general description of such works and upon payment of a fee of five dollars, obtain from the agent a license to do the necessary preliminary work in connection with the location of such works; and after he obtains such license may, with such assistants as are necessary, enter into and upon any public or private lands to take levels, make surveys, and do other necessary work in connection with such location, doing no unnecessary damage.

Sec. 12. Except as hereinafter provided, any company applying for a license or authorization under this Act shall file with the minister and the agent a memorial setting forth the names of its shareholders and their places of residence, the date and manner of its incorporation, the names of its directors and officers and their places of residence, the amount of the company's subscribed capital and the amount of its paid-up capital, the proposed method of raising further funds, if needed, and the purposes for which the company is incorporated. (58-59 V. c. 33, s. 4.)

2. If the applicant is not an incorporated company, the memorial shall set forth his name, residence and occupation, and such particulars as to his financial standing as shall establish to the satisfaction of the minister his ability to carry out the proposed undertaking.

3. The memorial shall also state the name of any river, stream or other source of supply from which water is to be

diverted, the extent of settlement along or in the vicinity of such river, stream or other source of water supply; the probable quantity of water to be used, and the point of diversion; the works proposed to be constructed for the purposes of the undertaking, and the locality of the same, as near as may be; the purpose to which the said water is to be applied, and the proposed rate to be charged for it; the probable number of consumers; the probable quantity of land that may be beneficially irrigated; the character, description and value of such land in its present state, including improvements, and such other and further particulars as are needful to a full understanding of the scheme.

4. Attached to the memorial shall be a general map or plan, on a scale of not less than one inch to a half a mile, showing the tract to be served by such water, the location of all rivers, streams and other sources of water supply therein, and the probable location of the proposed works, also the position and area of all ponds, reservoirs or basins intended to be created for the purpose of storing water or which may have that effect.

5. There shall also be filed with the memorial, plans in detail of all bridges or culverts necessary for road or farm crossings over or under the works of the company, also plans in detail of flumes, headworks, dams or other structures for the diversion or use of water, such plans to be on a scale of not less than one inch to four feet.

6. In the case of all ditches or canals carrying more than twenty-five cubic feet of water per second, in addition to the above information the applicants shall furnish the following map or plans:

(a.) A longitudinal profile of the ditch, showing the bottom and the proposed surface water line. The horizontal scale of this plan shall be not less than one inch to four hundred feet, and the vertical scale not less than one inch to twenty feet.

(b.) A plan showing cross-sections at a sufficient number of points to fully illustrate all the different forms which the ditch when constructed will take, particularly on side-hills or elsewhere where any portion of the water is to be conveyed in fill. When water is to be conveyed in cut there shall also be shown on this plan cross-sections at points where the shortest horizontal distance from either side of the bottom of the ditch

to the surface of the ground is less than double the bottom width of the ditch at that point. The plan shall be drawn on a horizontal and vertical scale of one inch to twenty feet.

7. Plans of any dams, cribs, embankments or other works, proposed to obstruct any river, stream, lake, or other source of water supply, or in order to create a pond, reservoir or basin of water anywhere, or which may have that effect, shall be prepared on a longitudinal scale of not less than one inch to one hundred feet, and for cross-sections on a scale of not less than one inch to twenty feet, and shall show what material is intended to be used and how placed in such works. The timber, brush, stone, brick or other material used in such works shall be shown in detail on a plan, the scale of which shall be not less than one inch to four feet.

8. Cross-section, maps or plans showing the surface of the ground under such pond, reservoir or basin of water, and also the surface of the water proposed to be held therein; the horizontal scale of the said maps or plans shall be not less than one inch to one hundred feet; and the vertical scale shall be not less than one inch to twenty feet; and a sufficient number of lines of levels shall be shown, so that the contents of the pond, reservoir or basin of water may be accurately determined. If the maps or plans show the levels by contour lines, they shall be on a scale sufficiently large that the contour lines, showing a vertical distance between them not exceeding one foot, may be accurately delineated. The maps or plans shall have sufficient information to show clearly the property likely to be affected by the creation of such ponds, reservoirs or basins of water, and the manner in which affected, and shall show in detail such other particulars as the minister or the Governor in Council sees fit to order; and there shall also be furnished a plan, on a scale of not less than one inch to four feet, showing the proposed manner of controlling and drawing off the water from any such pond, reservoir or basin.

Sec. 13. The memorial and maps or plans shall be made in duplicate and signed by the applicant, or, if the applicant is a company, by the exeeutive officers thereof, and shall be filed after having been first submitted for correction and approval to some duly qualified officer of the Department of the Interior to be named by the Minister, one copy with the minister and the other copy with the agent, and the same or a

true copy thereof shall be open for examination by the public at all times in the Department of the Interior at Ottawa, and at the office of the agent.

2. In any case where he thinks proper, the minister may direct that a copy be also filed in such other place or with such other official or person as he names for that purpose, and such copy also shall be open to public inspection.

3. The applicant shall forthwith give public notice of such filing; such notice shall contain a statement of the nature of the rights applied for and the general location and character of the proposed works, and shall be published once in the Canada Gazette, and not less than once a week for a period of not less than thirty days nor more than ninety days, as the minister determines, in some newspaper published in the neighborhood of the proposed works and to be named by the agent, and all objections to the proposed works shall be forwarded to the minister within such period.

4. The minister shall consider all objections filed and report thereon to the Governor in Council, who may thereupon by Order in Council authorize the construction of the said works with such changes or variations as are deemed necessary. (58-59 V., c. 33, s. 5, part.)

Sec. 13A. The applicant for a license for a ditch of less capacity than ten cubic feet of water per second shall not be required to provide the memorial and maps and plans called for by section twelve of this Act, or to give the notice in the Canada Gazette required by section thirteen of this Act, but shall file with the minister and the agent a written statement setting forth his name and residence, the source from which water is to be diverted, the point of diversion, the probable quantity of water to be used, the size and slope of the ditch, the works proposed to be constructed for the purposes of the undertaking, a description of the land upon which the water is to be used, and such other and fuller particulars as may be needful to a full understanding of the scheme.

2. Attached to the statement shall be a general plan on a scale of not less than one inch to a half-mile, showing the source of supply, the position of proposed headworks, the location of the ditch, the tract of land to be irrigated through the proposed scheme, and the position and area of any and all ponds, reservoirs and basins intended to be constructed for the storage of water.

3. There shall also be filed with the statement, plans in detail of bridges or culverts necessary for road or farm crossings over or under the proposed works; also plans in detail of flumes, headworks, dams, or other structures to be erected in connection with the proposed works—such plans to be on a scale of not less than one inch to four feet.

4. Public notice of such filing shall forthwith be given by the applicant, in some newspaper published in the neighborhood to be named by the agent, not less than once a week for a period not exceeding thirty days, within which time all protests against granting the rights applied for shall be forwarded to the minister.

5. The minister, after considering all objections filed, may authorize the construction of said works with such changes or variations as are deemed necessary. (58-59 V., c. 33, s. 5, part.)

Sec. 14. Any works authorized under this Act shall, if the minister so determines, be constructed subject to inspection during construction from time to time, and on completion, and at any time thereafter, by an officer to be named by the minister; and the cost of such inspection or such portion thereof as the minister decides shall be borne by the company constructing such works.

2. Should any person residing on or owning land in the neighborhood of any works, either completed or in course of construction, apply to the minister in writing desiring an inspection of such works, the minister may order an inspection thereof.

3. The minister may require the applicant for inspection to make a deposit of such sum of money as the minister thinks necessary to pay the expenses of an inspection, and in case the application appears to him not to have been justified may cause the whole or part of the expenses to be paid out of such deposit.

4. In case the application appears to the minister to have been justified, he may order the company to pay the whole or any part of the expenses of the inspection, and such payment may be enforced as a debt due to Her Majesty.

5. Upon any inspection under the provisions of this section the minister may order the company to make any addition or alteration which he considers necessary for their security to

or in any works of the company and non-compliance with such order may be dealt with in the same manner as is provided with respect to an order of the minister under section thirty-four of this Act.

Sec. 15. No work, unless it comes within the class provided for by section 13A of this Act shall be commenced until the approval of the Governor in Council has been signified by public notice in the Canada Gazette and some newspaper published in the neighborhood of the proposed works and named by the minister, which notice shall set forth the particulars mentioned in the memorial, with such changes or variations as the Governor in Council sees fit to order, and shall specify a time, within which such works shall be completed. Such notice shall be published in not less than two successive issues of such newspaper, and shall be the authority for proceeding with the work. A copy of the notice shall also be recorded in a book specially kept for that purpose by the agent in the office for his district, and this record shall remain open for public inspection. If either the lands on which the water is to be applied or the waters to be used therefor are not confined to the territory assigned to any one agent, a record must be filed with each agent in whose territory any part thereof is situate. (58-59 V., c. 33, s. 6.)

2. Any changes and variations ordered by the Governor in Council regarding the plans of the proposed works must be filed by the applicant in the office of the agent, and shall form a portion of the record open for public inspection.

3. No material deviation from the plans filed shall be made without permission, and any question arising as to whether any deviation is material or otherwise shall be decided by the minister or such officer as he designates.

Sec. 16. The company, immediately after the last publication of such last mentioned notice, may proceed with the execution and construction of the works authorized, and for the purposes of such execution and construction shall have the powers conferred by the Railway Act upon railway companies so far as the same are applicable to the undertaking of the company and are not inconsistent with the provisions of this Act or with the authority given to the company, the provision conferring such powers being taken for this purpose to refer to any work of the company where in the said Act they refer to the railway.

Sec. 17. The construction of any work authorized under this Act shall be commenced not later than two months after the last publication of such last-mentioned notice, unless such two months expire between the first day of November and the first day of May following, in which case the time of commencement shall not be later than the first day of May following, and shall proceed continuously until sufficiently completed to supply water to all applicants within the area described in the authorization, provided there is sufficient water available for that purpose; and the minister or such officer as he designates, shall be the sole arbiter as to whether the work is being prosecuted with sufficient vigor.

2. Should any unforeseen disaster intervene to prevent the construction or completion of the works within the time limited, or for any other reasons which he deems sufficient, the Governor in Council may authorize an extension of time for the commencement or completion of the works.

3. Upon the expiration of the time limited for the completion of the works, the rights granted to the company shall cease and determine, except in so far as they are necessary for effectually operating the works then completed; and any works at the date of such forfeiture constructed or acquired by it may be taken over and operated or disposed of by the Governor in Council in the manner and upon the terms hereinafter provided.

Sec. 18. When any works for carrying water are not of sufficient capacity to carry the quantity of water acquired by their owner, his exclusive right shall be limited to the quantity which such ditch, flume or other contrivance is capable of carrying; and in case of dispute as to such quantity the minister may order an inspecion of the works; and the report and finding of the inspecting officer as to the capacity thereof shall, for the purposes of this section, be final and conclusive.

Sec. 19. Companies which acquire the right to use or divert water from any river or other source of supply shall, subject to the provisions of section eight, have priority among themselves according to the date of their licenses or authorizations, so that each company shall be entitled to receive the whole of the supply to which its license or authorization entitles it, or to the amount of water which its works will carry, or to the amount of water required by the land on which it is applied,

whichever is the smaller amount, before any company whose license or authorization is of a later date has any claim to a supply; and should complaint be made to the minister, or to an officer authorized by him to receive such complaints, that any company is receiving water from such source of supply to which another company is entitled by virtue of priority of right, and that the company having such priority of right is not receiving the supply to which it is entitled, some officer to be named by the minister or the officer to whom complaint is so made, as the case may be, shall inquire into the circumstances of the case, and if he finds that there is ground for the complaint shall cause the head-gates of the ditch or other works of the company which is receiving an undue supply of water to be closed so that the supply to which the other company is entitled shall pass and flow to its works.

Sec. 20. Every company and the officers and directors thereof shall afford to any inspecting officer such information as is within their knowledge and power in all matters inquired into by him, and shall submit to such inspecting officer all plans, specifications, drawings and documents relating to the construction, repair or state of repairs of the works or any portion thereof.

2. The production of instructions in writing signed by the minister or his deputy or the secretary of the Department of the Interior, shall be sufficient evidence of the authority of such inspecting officer.

3. Every person who wilfully obstructs an inspecting officer in the execution of his duty shall be liable, on summary conviction, to a penalty not exceeding twenty dollars, or to imprisonment for a term not exceeding two months, with or without hard labor, or to both.

Sec. 21. Lands required for the works of the company, as shown by the maps and plans filed, in whomsoever they are vested, whether in Her Majesty or in any company under this Act, or in any railway company, or in any other person whomsoever, or any interest in or right or privilege with regard to such land which is so required, may be taken and acquired by the company; and to this end all the provisions of the Railway Act which and so far as they are applicable to such taking and acquisition, shall apply as if they were included in this Act, the Minister of the Interior and the Department of the Interior being substituted for the Minister of Railways

and Canals and the Department of Railways and Canals, respectively, wherever in the provisions of the said Act the latter minister and department are referred to: Provided, that the Minister of the Interior may impose such terms and conditions as he thinks proper in the public interest in connection with the acquisition under this section of any lands which are vested in any company under this Act, or in any railway company, or of any interest in such lands or any right or privilege affecting such lands.

2. All the provisions of the Railway Act which are applicable shall in like manner apply to fixing the amount of and the payment of compensation for damages to lands arising out of the construction or maintenance of the works of the company or the exercise of any of the powers granted to the company under this Act.

Sec. 22. All maps, plans and books of reference showing any lands necessary to be acquired under the provisions of this Act, by any person or company for right of way or for any purpose in connection with the construction and maintenance of their works must be signed and certified correct by a duly qualified Dominion land surveyor. Such maps, plans, and books of reference shall be forwarded in duplicate to the Department of the Interior, and after examination and approval by the proper officer, one copy shall be filed in the Department of the Interior and the other registered by the applicant in the registry office for the land titles district within which the lands affected by such surveys are situated. (58-59 V., c. 33, s. 7.)

Sec. 23. The minister or such officer as he designates shall, in case of dispute, be the sole arbiter as to the area of land which may be taken by the company without the consent of the owner for any purpose in the construction or maintenance of its works.

Sec. 24. Every person who interrupts, molests, or hinders in his work any engineer or Dominion land surveyor engaged in making surveys or levels, or in other operations in connection with any work authorized under this Act, is guilty of an offense, and liable on summary conviction to a penalty not exceeding twenty dollars, or to imprisonment for a term not exceeding two months, or both.

Sec. 25. No company authorized to divert the water of any river, stream, lake or other waters shall divert more water than the quantity actually required for the purpose authorized

and any company or officer or employee thereof so doing shall be guilty of an offense punishable on summary conviction by a fine not exceeding five dollars per day, or fraction of a day, for each unit or fraction of a unit of water so diverted.

2. In case of dispute as to the quantity of water diverted, the minister may order an inspection of the works of the company by an officer named by him for that purpose; and for the purposes of this section the report and finding of such officer as to the quantity diverted shall be final and conclusive.

Sec. 26. Every person who, without authority, takes or diverts any water from any river, stream, lake, or other waters or from any works authorized under this Act, or who takes or viction to a fine not exceeding five dollars per day or fraction titled to, is guilty of an offense and liable upon summary conviction to a fine not exceeding five dollars per day or fraction of a day for each unit or fraction of a unit of water improperly diverted, or to imprisonment for a term not exceeding thirty days, or to both, and upon indictment to a fine not exceeding five dollars per day or fraction of a day for each unit or fraction of a unit of water improperly diverted, or to imprisonment for a term not exceeding thirty days, or to both.

Sec. 27. When any company abandons or ceases to use any waters acquired by it for the purposes for which they were acquired, and any charge of such abandonment or ceasing to use water is made to the minister, such charge may be inquired into by him or by any person or officer appointed by him for that purpose; and the minister shall submit his report upon such inquiry to the Governor in Council, and the Governor in Council may make such order in the premises as he deems just and proper; and if the Governor in Council should, as he may, by such order declare a forfeiture of the right of the company offending to the use of the water authorized, the right so ordered or declared to be forfeited shall cease and determine.

Sec. 28. Any company having the right to the use of water for irrigation or other purposes shall dispose of any surplus water flowing in its works which is not being utilized or used for the purposes authorized, to any person applying therefor for irrigation purposes and tendering payment for one month in advance at the regular prices.

2. Persons so applying shall pay an amount equal to the cost and expense of the works required to convey the surplus

water to them, or shall themselves construct such works; and until this is done the delivery of surplus water need not be made.

3. When the necessary works have been constructed and the payment or tender herein provided for has been made, the applicant shall be entitled to the use of so much of the surplus water as such works have the capacity to carry.

4. Nothing in this section shall be construed to give to any person acquiring the right to use surplus water any right to the said surplus water when it is needed by the company for the purposes authorized, or to waste or sell or dispose thereof after being used by him, or shall prevent the original owners from retaking, selling or disposing thereof in the usual or customary manner after it has been so used as aforesaid.

Sec. 29. No company undertaking to sell water conveyed by its works shall, subsequent to the first four years after the construction of such works as are necessary to convey the water to the user, discriminate between the users of such water regarding the price thereof.

2. If from any cause the whole amount of water agreed to be supplied by a company is not available, then each user shall have furnished to him by the company so much water as shall bear to the available water the same proportion as his usual supply bears to the whole amount agreed to be furnished.

3. Any company violating these provisions shall be guilty of an offense against this Act and liable upon summary conviction to a fine not exceeding one thousand dollars for each and every such offense, or to imprisonment for a period not exceeding two months, or to both.

Sec. 30. The minister may grant to any company the right to store for irrigation purposes during periods of floods or high water, or during those portions of the year when water is not required for irrigation purposes, any water not being used during such periods.

2. Should there be any works for the carriage of water which are not being utilized to their full capacity by their owner, and which can with advantage be utilized to carry the whole or any portion of the water desired to be stored any portion of the distance it is required to be so carried or conducted, without interfering with the use made of the said works by their owner, then the said works shall be placed at the disposal of

the company desiring to so use it; and if the parties cannot agree to the compensation to be paid for such service, the minister may fix the rate to be paid therefor.

Sec. 31. Any person or company constructing any works under the provisions of this Act, shall during such construction keep open for safe and convenient travel all public highways theretofore publicly traveled as such, when they are crossed by such works, and shall, before water is diverted into, conveyed or stored by any such works extending into or crossing any such highway, construct, to the satisfaction of the minister, a substantial bridge, not less than fourteen feet in breadth, with proper and sufficient approaches thereto, over such works; and every such bridge and the approaches thereto shall be always thereafter maintained by such person or company.

Sec. 32. Under this Act the discharge of one cubic foot of water per second shall be the unit of measurement of flowing water, and the cubic foot or acre foot, the unit of measurement of quantity. The acre foot is equivalent to forty-three thousand five hundred and sixty cubic feet.

Sec. 33. Companies constructing and operating works under this Act shall, on or before the thirty-first day of January in each year, make a return to the minister, attested by the oath of its president and secretary, for the year ending the thirty-first day of December preceding, showing:

The amount expended on construction.
The amount expended on repairs.
The amount received from shareholders.
The amount of bonds issued.
The amount received for water supplied for irrigation.
The amount received from other sources.
The amount of dividend declared and paid.
The amount of capital stock authorized.
The amount of capital stock subscribed.
The amount of capital stock paid up to date.
The amount of bonded indebtedness.
The amount bonds sold for.
The rate of interest bonds bear.
The amount of indebtedness other than bonds, and the rate of interest such indebtedness is bearing.
The cost of management.
A statement of the works, and their extent and character.
The number of miles of canals, ditches, etc.

The number of users.

The number of acres actually under irrigation.

The number of acres of irrigable land in the system.

The names of officers and emloyees.

The proposed extensions during ensuing years and the acreage to be covered thereby.

Such other data as the Governor in Council sees fit to order.

2. Attached to such annual return shall be a copy of the by-laws of the company, showing all amendments thereto during the year covered by the said return.

3. The returns required by this section may be waived by the minister in the case of a private person supplying water solely to himself.

Sec. 34. When a complaint, under oath of the complainant and of at least one witness, is made to the minister or the agent by a consumer of water who has paid his rates, that a company which has engaged or is under obligation to supply him with water is failing to do so, or is failing to keep its works in proper condition, the minister or some person or officer appointed by him for the purpose may make immediate inquiry and take all necessary steps to ascertain the truth of the complaint, and if he considers the complaint established may order and direct that the company shall take forthwith such action as he considers necessary in order as far as possible to remove the cause of complaint.

2. If the company fails to obey such order, the minister shall forthwith issue a certificate to that effect, reciting all the facts, which certificate being presented to the judge of the Supreme Court for the judicial district within which such works lie, the judge shall hear and determine the matter in a summary manner, and shall order the company to proceed with all despatch to take such measures as he considers necessary in the premises; and refusal or neglect to obey any order made by a judge under this section may be treated and punished as contempt of court, and such other proceedings may be had and taken thereon as in the case of non-compliance with any other mandatory order of the said court or a judge thereof.

Sec. 35. The Governor in Council may authorize two or more companies whose works are contiguous, to unite and form one company with a view to providing increased water supply and extending their works, when he is satisfied that

the holders of more than fifty per cent of the capital stock of each company are in favor of the union, that users dependent upon the water supply will not be injured, and that the companies to be united have the necessary financial means for carrying out the proposed undertaking—the same particulars being furnished to the Governor in Council as are required to be furnished upon an application for authorization to construct works under this Act; and public notice of the authorization of the united companies and their proposed works shall be given in the manner prescribed in the case of an application under section fifteen.*

Sec. 36. The minister or any one specially authorized by him may, when he deems it necessary for the satisfactory carrying out of the provisions of this Act or the regulations to be framed under it, summon before him any person by subpoena, examine such person under oath, and compel the production of papers and writings; and for neglect to obey such summons or refusal to give evidence, or to produce the papers or writings demanded of him, the minister or the person authorized may, by warrant under his hand, order the person in default to be imprisoned in the nearest common jail as for contempt of court, for a period not exceeding fourteen days.

Sec. 37. All affidavits, oaths, solemn declarations or affirmations required to be taken under this Act or any regulations made thereunder, may be taken before any agent authorized under this act, a Dominion lands agent or officer, or any persons specially authorized by the minister to take them, or any other persons authorized to take affidavits in the Northwest Territories; and the minister may require any statement called for under this Act, or under any such regulation, to be verified by oath, affidavit, affirmation or declaration.

Sec. 38. The Governor in Council may take such steps as he deems necessary at any time to secure a complete or partial survey of the sources of the water supply for irrigation and other purposes, with an estimate of the extent and location of irrigable lands, and of the site or sites suitable for ponds, basins and reservoirs for water storage, and may reserve lands forming such sites from general sale and settlement and dis-

(*N. B.—The provisions of this section 35, do not apply to any irrigation district incorporated under an Ordinance of the Northwest Territories. Vide sec. 8 of 58-59 V., c. 33, quoted in note 2 to this consolidation.) See page 543.

pose thereof by sale or lease to be utilized for purposes within the purview of this Act. He may also take such steps as he thinks necessary to protect the sources of water supply and to prevent any act likely to diminish or injure the said supply.

Sec. 39. The Governor in Council may from time to time authorize the establishing in rivers, streams, lakes, and other waters, water gauges for computing the approximate volume and discharge of waters, the placing of high water marks on rivers and streams, lakes and other waters when in flood, the taking of steps for securing analyses of the water of rivers, streams, lakes and other waters, and the adopting of such other measures and proceedings for promoting the beneficial use of water, and for controlling and regulating the diversion and the application thereof as he finds necessary and expedient and as are consistent with the provisions of this Act.

Sec. 40. The Governor in Council may, if in the public interest it is at any time deemed advisable so to do, take over and operate or otherwise dispose of the works of any company authorized under this Act: Provided, that compensation shall be paid for such works at their value—such value to be ascertained by reference to the Exchequer Court, or by arbitration, one arbitrator to be appointed by the Governor in Council, the second by the owner of the works to be taken over, and the third by the two so appointed, or in case these cannot agree as to the third arbitrator, by the Exchequer Court—and that in estimating such value the court or the arbitrators may take into account the expenditure of the company and interest on such expenditure, and the value of its property, works and business: Provided also, that no person who at such date is using the water of the said works, shall be deprived of the quantity of water he is entitled to: Provided further, that in any such case the Governor in Council shall have due regard to the claims to consideration of any persons who have prepared or have in course of preparation any land to be supplied with water by the works taken over.

Sec. 41. The by-laws and regulations of companies operating under this Act shall not contain anything contrary to the true intent and meaning of this Act, and shall be subject to revision and approval by the Governor in Council; and no tariff of charges for water furnished by any company shall come into operation until it has been approved by the Governor in Council.

Sec. 42. Any company authorized under this Act may issue bonds, debentures or other securities to the amount of its subscribed capital, or double the amount of its paid-up capital, whichever is the smaller amount.*

Sec. 43. Any company authorized under this Act may acquire land by purchase or lease for improvement by irrigation, and shall dispose thereof within fifteen years after its acquisition, otherwise such land shall revert to the Crown.*

Sec. 44. Any company authorized under this Act may for the purposes of its undertaking construct or acquire electric telegraph and telephone lines or any other contrivances for the transmission of messages through or along wires, rods, tubes or other appliances, and may acquire any land necessary for the construction and operation of such lines or contrivances, and the lands necessary to be taken and acquired for this purpose may be acquired under the provisions of section twenty-one of this Act.

Sec. 45. The Governor in Council may—

Define the manner in which the measure of water shall be arrived at.

Define the duty of water according to locality and soil.

Define the portion of the year during which water shall be supplied for irrigation.

Fix the license fee or charge to be paid by companies applying for registration of water rights or for authority to engage in irrigation or other works under this Act—which fees or charges may be varied acording to the capital employed or volume of water diverted.

Regulate the extent of diversion from rivers, streams, lakes, or other waters.

Regulate the passage of logs, timber and other products of the forests through or over any dams or other works erected in rivers, streams, lakes and other water under the authority of this Act.

Regulate from time to time the water rates which may be charged by companies, and the publication of tariffs of rates.

Prescribe forms to be used in proceedings under this Act.

(*N. B. The provisions of these two sections, 42 and 43, do not apply to any irrigation district incorporated under an Ordinance of the Northwest Territories. Vide sec. 8 of 58-59 V., c. 33, quoted in note 2, to this consolidation.) See page 543.

Impose penalties for violations of any regulation made under the authority of this Act,—which penalties shall in no case exceed a fine of two hundred dollars or three months' imprisonment, or both.

Regulate the manner in which water is to be supplied to persons entitled thereto, whether continuously or at stated intervals, or under both systems.

Authorize some person or officer, whose decision shall be final and without appeal, to decide in cases of dispute as to what constitutes surplus water as mentioned in this Act.

Make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act according to their true intent, or to meet any cases which arise and for which no provision is made in this Act; and further, make any regulations which are considered necessary to give the provisions of this Act full effect.

Sec. 46. All regulations made and forms prescribed by the Governor in Council under this Act shall be published in the Canada Gazette and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.

Sec. 47. Any companies already formed to promote irrigation shall be subject to all the provisions of this Act, except so far as the powers mentioned in section forty-two of this Act are concerned.

PART X.

UNITED STATES AND CANADIAN LAWS PROHIBITING ALIEN LABOR CONTRACTS.

PART 10.

CANADIAN LAWS RESTRICTING IMPORTATIONS AND EMPLOYMENT OF ALIENS.

Act of 28 June, 1897.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sec. 1. From and after the passing of this Act it shall be unlawful for any person, company, partnership or corporation in any manner to prepay the transportation, or in any way to assist or encourage the importation or immigration of any alien or foreigner into Canada, under contract or agreement, parole or special, express or implied, made previous to the importation or immigration of such alien or foreigner, to perform labor or service of any kind in Canada.

Sec. 2. All contracts or agreements, express or implied, parole or special, hereafter made by and between any person, company, partnership or corporation, and any alien or foreigner, to perform labor or service, or having reference to the performance of labor or service by any person in Canada, previous to the immigration or importation of the person whose labor or service is contracted for into Canada, shall be void and of no effect.

Sec. 3. For every violation of any of the provisions of section one of this Act, the person, partnership, company or corporation violating it by knowingly assisting, encouraging or soliciting the immigration or importation of any alien or foreigner into Canada, to perform labor or service of any kind under contract or agreement, express or implied, parole or special, with such alien or foreigner previous to his becoming a resident in or a citizen of Canada, shall forfeit and pay the sum of one thousand dollars, which may be sued for and recovered by Her Majesty's Attorney-General of Canada or the person duly authorized thereto by him, as debts of like amount are now recovered in any competent court in Canada, the proceeds to be paid into the hands of the Receiver-General; and separate

suits may be brought for each alien or foreigner who is a party to such contract or agreement.

Sec. 4. The master of any vessel who knowingly brings into Canada on such vessel and lands or permits to be landed from any foreign port or place any alien, laborer, mechanic or artisan who, previous to embarkation on such vessel had entered into contract or agreement, parole or special, express or implied, to perform labor or service in Canada, shall be deemed guilty of an indictable offense and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each alien, laborer, mechanic or artisan so brought or landed, and may also be imprisoned for a term not exceeding six months.

Sec. 5. Nothing in this Act shall be so construed as to prevent any citizen or subject of any foreign country, temporarily residing in Canada, either in private or official capacity from engaging, under contracts or otherwise, persons not residents or citizens of Canada, to act as private secretaries, servants or domestics for such foreigner temporarily residing in Canada; nor shall this Act be so construed as to prevent any person, partnership or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in Canada in or upon any new industry not at present established in Canada, provided that skilled labor for that purpose cannot be otherwise obtained; nor shall the provisions of this Act apply to professional actors, artists, lecturers, or singers, or to persons employed strictly as personal or domestic servants: Provided, that nothing in this Act shall be construed as prohibiting any person from assisting any member of his family or any relative or personal friend, to migrate from any foreign country to Canada for the purpose of settlement here.

Sec. 6. The Attorney-General of Canada, in case he shall be satisfied that an immigrant has been allowed to land in Canada contrary to the prohibition of this Act may cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country whence he came at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person previously contracting for the services.

Sec. 7. The Receiver-General may pay to any informer who furnishes original information that the law has been violated such a share of the penalties recovered as he deems reasonable

and just, not exceeding fifty per cent., where it appears that the recovery was had in consequence of the information thus furnished.

Sec. 8. No proceedings under this Act or prosecutions for violations thereof, shall be instituted without the consent of the Attorney-General of Canada or some person duly authorized by him.

Sec. 9. This Act shall apply only to such foreign countries as have enacted and retained in force, or as enact and retain in force, laws or ordinances applying to Canada of a character similar to this Act.

UNITED STATES LAWS RESTRICTING IMPORTATION AND EMPLOYMENT OF ALIENS.

An Act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Act of February 26, 1895 and March 3rd, 1891. Be it enacted, &c., That from and after the passage of this Act it shall be unlawful for any person, company, partnership or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Sec. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect. 26 February, 1895.

Sec. 3. That for every violation of any of the provisions of section one of this Act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the proceeds to be paid into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States. 19 Oct., 1888.

Sec. 4. That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien, laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than five hundred dollars and for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

Sec. 5. That nothing in this Act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid.

Nor shall this Act be so construed as to prevent any person,

or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States.

Provided, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this Act apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants.

Provided, That nothing in this Act shall be construed as prohibiting any individual from assisting any member of his family to migrate from any foreign country to the United States, for the purpose of settlement here nor to ministers of any religious denomination, nor persons belonging to any recognized profession, nor professors for colleges and seminaries. 3 March, 1891.

Sec. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed. 26 February, 1885.

PART XI.

STATISTICS AND OFFICIAL REPORTS OF THE YUKON GOLD FIELDS.

PART II.

STATISTICS AND OFFICIAL REPORTS OF THE YUKON GOLD FIELDS.

The first people from civilization to enter the Yukon country were the traders for the Hudson's Bay Company. In the year 1840 Mr. Campbell was commissioned by Sir George Simpson to explore the Upper Liard and to cross the height-of-land in search of any river flowing to the westward. After ascending the river to its head-waters he struck across to the head of the Pelly River, thence down the Pelly to the confluence of the Lewes, at which point he turned back, his men having become discouraged by the stories of the Wood Indians encamped there, who represented that the lower portion of the river was inhabited by a large tribe of cannibals. In 1847 Fort Yukon was established at the mouth of the Porcupine by Mr. A. H. Murray, another member of the Hudson's Bay Company.

In 1848 Campbell established Fort Selkirk at the confluence of the Pelly and Lewes Rivers; it was plundered and destroyed in 1852 by the Coast Indians, and only the ruins now exist of what was at one time the most important post of the Hudson's Bay Company to the west of the Rocky Mountains in the far north. In 1869 the Hudson's Bay Company's officer was expelled from Fort Yukon by the United States Government, they having ascertained by astronomical observations that the post was not located in British Territory. The officer thereupon ascended the Porcupine to a point which was supposed to be within British jurisdiction, where he established Rampart House; but in 1890 Mr. J. H. Turner of the United States Coast Survey found it to be twenty miles within the lines of the United States. Consequently in 1891 the post was moved twenty miles further up the river to be within British Territory.

The next people to enter the country for trading purposes were Messrs. Harper and McQuestion. They have been trading in the country since 1873 and have occupied numerous posts all along the river, the greater number of which have been abandoned. Mr. Harper is now located as a trader at Fort Selkirk, and Mr. McQuestion is in the employ of the Alaska Com-

mercial Company at Circle City, which is the distributing point for the vast regions surrounding Birch Creek, Alaska. In 1882 a number of miners entered the Yukon country by the Taiya Pass; it is still the only route used to any extent by the miners, and is shorter than the other passes though not the lowest. In 1883 Lieutenant Schwatka crossed this same pass and descended the Lewes and Yukon Rivers to the ocean.

The history of the Yukon District within recent years will be best described by the following extract from the annual report of the Deputy of the Minister of the Interior for the year 1895:—

"In the year 1887 the Hon. Thomas White, then Minister of the Interior, authorized the organization of an expedition having for its object the exploration of that region of the Northwest Territories of Canada which is drained by the Yukon River. The work was intrusted to Dr. George Mr. Dawson, now the Director of the Geological Survey, and Mr. Wm. Ogilvie, the well-known explorer and surveyor. Dr. Dawson devoted the whole of that season, and Mr. Ogilvie a period covering nearly two years, to obtaining geological, topographical, and general information, chiefly respecting the tract of country lying adjacent to the 141st meridian of longitude, which by the Treaty of St. Petersburg is designated as the boundary line from the neighborhood of Mount St. Elias to the Arctic Ocean between Alaska and the adjoining possessions of the British Crown which now form part of the Northwest Territories of Canada.

"As it appears quite certain, from the report made by Mr. Ogilvie on his return to Ottawa in 1889, and from the report of Mr. Constantine, that the operations of the miners are being conducted upon streams which have their sources in the United States Territory of Alaska, and flow into Canada on their way to join the Yukon, and as doubtless some of the placer diggings under development are situated on the United States side of the boundary, it is highly desirable, both for the purpose of settling definitely to which country any land occupied for mining or other purposes actually belongs, and in order that the jurisdiction of the courts and officers of the United States and Canada, for both civil and criminal purposes, may be established, that the determination of the 141st meridian west of Greenwich from the point of its intersection with the Yukon,

Impose penalties for violations of any regulation made under the authority of this Act,—which penalties shall in no case exceed a fine of two hundred dollars or three months' imprisonment, or both.

Regulate the manner in which water is to be supplied to persons entitled thereto, whether continuously or at stated intervals, or under both systems.

Authorize some person or officer, whose decision shall be final and without appeal, to decide in cases of dispute as to what constitutes surplus water as mentioned in this Act.

Make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act according to their true intent, or to meet any cases which arise and for which no provision is made in this Act; and further, make any regulations which are considered necessary to give the provisions of this Act full effect.

Sec. 46. All regulations made and forms prescribed by the Governor in Council under this Act shall be published in the Canada Gazette and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.

Sec. 47. Any companies already formed to promote irrigation shall be subject to all the provisions of this Act, except so far as the powers mentioned in section forty-two of this Act are concerned.

PART X.

UNITED STATES AND CANADIAN LAWS PROHIBITING ALIEN LABOR CONTRACTS.

willows, and, at the stage in which I saw it, did not rise more than 3 feet above the water. The hills on the southwest side slope up easily, and are not high; on the north side the deep valley already referred to borders it; and on the east side the mountains rise abruptly from the lake shore.

Bove Lake (called Tagish Lake by Dr. Dawson) is about a mile wide for the first two miles of its length, when it is joined by what the miners have called the Windy Arm. One of the Tagish Indians informed me they called it Takone Lake. Here the lake expands to a width of about two miles for a distance of some three miles, when it suddenly narrows to about half a mile for a distance of a little over a mile, after which it widens again to about a mile and a half or more.

Ten miles from the head of the lake it is joined by the Taku Arm from the south. This arm must be of considerable length, as it can be seen for a long distance, and its valley can be traced through the mountains much farther than the lake itself can be seen. It is apparently over a mile wide at its mouth or junction.

Dr. Dawson includes Bove Lake and these two arms under the common name of Tagish Lake. This is much more simple and comprehensive than the various names given them by travelers. These waters collectively are the fishing and hunting grounds of the Tagish Indians, and as they are really one body, there is no reason why they should not all be included under one name.

From the junction with the Taku Arm to the north end of the lake the distance is about six miles, the greater part being over two miles wide. The west side is very flat and shallow, so much so that it was impossible in many places to get our canoes to the shore, and quite a distance out in the lake there was not more than 5 feet of water.

Where the river debouches from it, it is about 150 yards wide, and for a short distance not more than 5 or 6 feet deep. The depth is, however, soon increased to 10 feet or more, and so continues down to what Schwatka calls Marsh Lake.

Marsh Lake is a little over nineteen miles long, and averages about two miles in width. I tried to determine the width of it as I went along with my survey, by taking azimuths of points on the eastern shore from different stations of the survey; but in only one case did I succeed, as there were no prominent

marks on that shore which could be identified from more than one place. The piece of river connecting Tagish and Marsh Lakes is about five miles long, and averages 150 to 200 yards in width, and, as already mentioned, is deep, except for a short distance at the head.

The Lewes River, where it leaves Marsh Lake, is about 200 yards wide, and averages this width as far as the canyon. I did not anywhere find bottom less than six feet of water at medium height, at which stage it appeared to me the river was at that time.

From the head of Lake Bennett to the canyon the corrected distance is ninety-five miles, all of which is navigable for boats drawing 5 feet or more. Add to this the westerly arm of Lake Bennett, and the Takone or Windy Arm of Tagish Lake, each about fifteen miles in length, and the Taku Arm of the latter lake, of unknown length, but probably not less than thirty miles, and we have a stretch of water of upwards of one hundred miles in length, all easily navigable, and easily connected with Taiya Inlet through the White Pass.

No streams of any importance enter any of these lakes so far as I know. A river, called by Schwatka "McClintock River," enters Marsh Lake at the lower end from the east. It occupies a large valley, as seen from the westerly side of the lake, but the stream is apparently unimportant. Another small stream, apparently only a creek, enters the southeast angle of the lake.

The Taku Arm of Tagish Lake is, so far, with the exception of reports from Indians, unknown; but it is equally improbable that any river of importance enters it, as it is so near the source of the waters flowing northwards. However, this is a question that can only be decided by a proper exploration. The canyon I have already described and will only add that it is five-eighths of a mile long, about 100 feet wide, with perpendicular banks of basaltic rock from 60 to 100 feet high.

Below the canyon proper there is a stretch of rapids for about a mile; then about half a mile of smooth water, following which are the White Horse Rapids, which are three-eighths of a mile long, and unsafe for boats.

The total fall in the canyon and succeeding rapids was measured and found to be 32 feet. Were it ever necessary to make this part of the river navigable it will be no easy task to over-

come the obstacles at this point; but a tram or railway could, with very little difficulty, be constructed along the east side of the river past the canyon.

For some distance below the White Horse Rapids the current is swift and the river wide, with many gravel bars. The reach between these rapids and Lake LeBarge, a distance of twenty-seven and a half miles, is all smooth water, with a strong current. The average width is about 150 yards. There is no impediment to navigation other than the swift current, and this is no stronger than on the lower part of the river, which is already navigated; nor is it worse than on the Saskatchewan and Red Rivers in the more eastern part of our territory.

About midway in this stretch the Tahkeena River* joins the Lewes. This river is, apparently, about half the size of the latter. Its waters are muddy, indicating its passage through a clayey district.

Lake Le Barge is thirty-one miles long. In the upper thirteen it varies from three to four miles in width; it then narrows to about two miles for a distance of seven miles, when it begins to widen again, and gradually expands to about two and a half or three miles, the lower six miles of it maintaining the latter width. The survey was carried along the western shore, and while so engaged I determined the width of the upper wide part by triangulation at two points, the width of the narrow middle part at three points, and the width of the lower part at three points. The western shore is irregular in many places, being indented by large bays, especially at the upper and lower ends. These bays are, as a rule, shallow, more especially those at the lower end.

Just above where the lake narrows in the middle there is a large island. It is three and a half miles long and about half a mile in width. The upper half of this island is gravelly, and does not rise very high above the lake. The lower end is rocky and high, the rock being of a bright red color.

At the lower end of the lake there is a large valley extend-

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*The Tahkeena was formerly much used by the Chilkat Indians as a means of reaching the interior, but never by the miners, owing to the distance from the sea to its head.

ing northwards, which has evidently at one time been the out-

The width of the Lewes River as it leaves the lake is the same as at its entrance, about two hundred yards. Its waters let of the lake.

when I was there were murky. This is caused by the action of the waves on the shore along the lower end of the lake. The water at the upper end and at the middle of the lake is quite clear, so much so that the bottom can be distinctly seen at a depth of six or seven feet. The wind blows almost constantly down this lake, and in a high wind it gets very rough. The miners complain of much detention owing to this cause, and certainly I can not complain of a lack of wind while I was on the lake. This lake was named after one Mike Le Barge, who was engaged by the Western Union Telegraph Company, exploring the river and adjacent country for the purpose of connecting Europe and America by telegraph through British Columbia, and Alaska, and across Bering Strait to Asia, and thence to Europe. This exploration took place in 1867, but it does not appear that Le Barge then, nor for some years after, saw the lake called by his name. The successful laying of the Atlantic cable in 1866 put a stop to this project, and the exploring parties sent out were recalled as soon as word could be got to them. It seems that Le Barge had got up as far as the Pelly before he received his recall; he had heard something of a large lake some distance further up the river, and afterwards spoke of it to some traders and miners who called it after him.

After leaving Lake Le Barge the river, for a distance of about five miles, preserves a generally uniform width and an easy current of about four miles per hour. It then makes a short turn round a low gravel point, and flows in exactly the opposite of its general course for a mile when it again turns sharply to its general direction. The current around this curve and for some distance below it—in all four or five miles—is very swift. I timed it in several places and found it from six to seven miles an hour. It then moderates to four or five, and continues so until the Teslintoo River is reached, thirty-one and seven-tenths miles from Lake Le Barge. The average width of this part of the river is about 150 yards, and the depth is sufficient to afford passage for boats drawing at least five feet. It is, as a rule, crooked, and consequently a little difficult to navigate.

The Teslintoo* was so called by Dr. Dawson—this, according to information obtained by him, being the Indian name. It is called by the miners "Hootalinkwa" or Hotalinqua.

The water of the Teslintoo is of a dark brown color, similar in appearance to the Ottawa River water, and a little turbid. Notwithstanding the difference of volume of discharge, the Teslintoo changes completely the character of the river below the junction, and a person coming up the river would, at the forks, unhesitatingly pronounce the Teslintoo the main stream. The water of the Lewes is blue in color, and at the time I speak of was somewhat dirty—not enough so, however, to prevent one seeing to a depth of two or three feet.

I afterwards met Mr. T. Boswell who had spent most of the summer on the river prospecting, and from him I gathered the following: The distance to the first, and only lake which he saw, he put at 175 miles, and the lake itself he called at least 150 miles long, as it took him four days to row in a light boat from end to end. The portage to the sea he did not appear to know anything about, but describes a large bay on the east side of the lake, into which a river of considerable size entered. This river occupies a wide valley, surrounded by high mountains. He thought this river must head near Liard River.

Assuming this as the main river, and adding its length to the Lewes Yukon below the junction, gives upwards of 2,200 miles of river, fully two-thirds of which runs through a very mountainous country, without an impediment to navigation.

Some indefinite information was obtained as to the position of this river in the neighborhood of Marsh Lake tending to show that the distance between them was only about thirty or forty miles.

Between the Teslintoo and the Big Salmon the distance is thirty-three and a half miles, in which the Lewes preserves a generally uniform width and current. For a few miles below the Teslintoo it is a little over the ordinary width, but then contracts to about two hundred yards, which it maintains with little variation. The current is generally from four to five miles per hour.

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*The limited amount of prospecting that has been done on this river is said to be very satisfactory, fine gold having been found in all parts of the river.

The Big Salmon I found to be about one hundred yards wide near the mouth, the depth not more than four or five feet, and the current sluggish. The valley, as seen from the mouth, is wide, and gives one the impression of being occupied by a much more important stream. Looking up it, in the distance could be seen many high peaks covered with snow.

Just below the Big Salmon the Lewes takes a bend of nearly a right angle. Its course from the junction with the Tahkeena to this point is generally a little east of north; at this point it turns to nearly west for some distance. Its course between here and its confluence with the Pelly is northwest, and, I may add, it preserves this general direction down to the confluence with the Porcupine. The river also changes in another respect; it is generally wider, and often expands into what might be called lakes, in which are islands. Some of the lakes are of considerable length, and well timbered.

Thirty-six and a quarter miles below the Big Salmon, the Little Salmon—the Daly of Schwatka—enters the Lewes. This river is about sixty yards wide at the mouth, and not more than two or three feet in depth. The water is clear and of a brownish hue; there is not much current. The valley which, from the mouth, does not appear extensive, bears northeast for some distance, when it appears to turn more to the east. Six or seven miles up, and apparently on the north side, some high cliffs of red rock, apparently granite, can be seen.

Lewes River makes a turn here to the southwest, and runs in that direction six miles, when it again turns to the northwest for seven miles, and then makes a short, sharp turn to the south and west around a low, sandy point, which will, at some day in the near future, be cut through by the current, which will shorten the river three or four miles.

Eight miles below Little Salmon River, a large rock called the Eagle's Nest, stands up in a gravel slope on the easterly bank of the river. It rises about five hundred feet above the river, and is composed of a light gray stone. What the character of this rock is I could not observe, as I saw it only from the river, which is about a quarter of a mile distant. On the westerly side of the river there are two or three other isolated masses of apparently the same kind of rock. One of them might appropriately be called a mountain; it is southwest from the Eagle's Nest and distant from it about three miles.

Thirty-two miles below Eagle's Nest Rock, Nordenskiold River enters from the west. It is an unimportant stream, being not more than one hundred and twenty feet wide at the mouth, and only a few inches deep. The valley, as far as can be seen, is not extensive, and, being very crooked, it is hard to tell what its general direction is.

The Lewes, between the Little Salmon and the Nordenskiold, maintains a width of from two to three hundred yards, with an occasional expansion where there are islands. It is serpentine in its course most of the way, and where the Nordenskiold joins it is very crooked, running several times under a hill, named by Schwatka Tantalus Butte, and in other places leaving it, for a distance of eight miles. The distance across from point to point is only half a mile.

Below this to Five Finger Rapids, so-called from the fact that five large masses of rock stand in mid-channel, the river assumes its ordinary straightness and width, with a current from four to five miles per hour. I have already described Five Finger Rapids; I do not think they will prove anything more than a slight obstruction in the navigation of the river. A boat of ordinary power would probably have to help herself up with windlass and line in high water.

Below the rapids, for about two miles, the current is strong —probably six miles per hour—but the water seems to be deep enough for any boat that is likely to navigate it.

Six miles below this, as already noticed, Rink Rapids are situated. They are of no great importance, the westerly half of the stream only being obstructed. The easterly half is not in any way affected, the current being smooth and the water deep.

Below Five Finger Rapids about two miles a small stream enters from the east. It is called by Dr. Dawson Tatshun River. It is not more than thirty or forty feet wide at the mouth, and contains only a little clear, brownish water.

Between Five Finger Rapids and Pelly River, fifty-eight and a half miles, no streams of any importance enter the Lewes; in fact, with the exception of the Tatshun, it may be said that none at all enter.

About a mile below Rink Rapids the river spreads out into a lake-like expanse, with many islands; this continues for about three miles, when it contracts to something like the usual

width; but bars and small islands are very numerous all the way to Pelly River. About five miles above Pelly River there is another lake-like expanse filled with islands. The river here for three or four miles is nearly a mile wide, and so numerous and close are the islands that it is impossible to tell when floating among them where the shores of the river are. The current, too, is swift, leading one to suppose the water shallow; but I think even here a channel deep enough for such boats as will navigate this part of the river can be found. Schwatka named this group of islands "Ingersoll Islands."

At the mouth of the Pelly the Lewes is about half a mile wide, and here too there are many islands, but not in groups as at Ingersoll Islands.

About a mile below the Pelly, just at the ruins of Fort Selkirk, the Yukon was found to be 565 yards wide, about two-thirds being ten feet deep, with a current of about four and three-quarter miles per hour; the remaining third was more than half taken up by a bar, and the current between it and the south shore was very slack.

Pelly River at its mouth is about two hundred yards wide, and continues this width as far up as could be seen. Dr. Dawson made a survey and examination of this river, which will be found in his report already cited, "Yukon District and Northern British Columbia."

Just here for a short distance the course of the Yukon is nearly west, and on the south side, about a mile below the mouth of the Lewes, stands all that remains of the only trading post ever built by white men in the district. This post was established by Robert Campbell, for the Hudson's Bay Company, in the summer of 1848.

Mr. Campbell's first visit to the site of Fort Selkirk was made in 1840, under instructions from Sir George Simpson, then Governor of the Hudson's Bay Company. He crossed from the head waters of the Laird to the waters of the Pelly. It appears the Pelly, where he struck it, was a stream of considerable size, for he speaks of its appearance when he first saw it from "Pelly Banks," the name given the bank from which he first beheld it, as a "splendid river in the distance." In June, 1843, he descended the Pelly to its confluence with the larger stream, which he named the "Lewes." It was not until

1850 that he could establish, what he says he all along believed, "that the Pelly and Yukon were identical." This he did by descending the river to where the Porcupine joins it, and where in 1847 Fort Yukon was established by Mr. A. H. Murray for the Hudson's Bay Company.

Nothing was ever done in the vicinity of Fort Selkirk by the Hudson's Bay Company, and in 1869 the Company was ordered by Capt. Charles W. Raymond, who represented the United States Government, to evacuate the post at Fort Yukon, he having found that it was west of the 141st meridian. The post was occupied by the Company, however, for some time after the receipt of this order and until Rampart House was built, which was intended to be on British territory, and to take the trade previously done at Fort Yukon.

On many maps of Alaska a place named "Reed's House" is shown on or near the upper waters of Stewart River. There is a small lake at some distance in a northerly direction from Fort Selkirk, where fish were procured. A sort of shelter had been made at that point for the fishermen, and a few furs might have been obtained there, but it was never regarded as a trading post.

Below Fort Selkirk, the Yukon River is from five to six hundred yards broad, and maintains this width down to White River, a distance of ninety-six miles. Islands are numerous, so much so that there are very few parts of the river where there are not one or more in sight. Many of them are of considerable size, and nearly all are well timbered. Bars are also numerous, but almost all are composed of gravel, so that navigators will not have to complain of shifting sand bars. The current as a general thing is not so rapid as in the upper part of the river, averaging about four miles per hour. The depth in the main channel was always found to be more than six feet.

From Pelly River to within twelve miles of White River the general course of the river is a little north of west; it then turns to the north, and the general course as far as the site of Fort Reliance is due north.

White River enters the main river from the west. At the mouth it is about two hundred yards wide, but a great part of it is filled with ever-shifting sand-bars, the main volume of water being confined to a channel not more than one hundred yards in width. The current is very strong, certainly not less than

eight miles per hour. The color of the water bears witness to this, as it is much the muddiest that I have ever seen.*

Between White and Stewart Rivers, ten miles, the river spreads out to a mile and upwards in width, and is a maze of islands and bars. The survey was carried down the easterly shore; many of the channels barely afforded water enough to float the canoes. The main channel is along the westerly shore, down which the large boat went, and the crew reported plenty of water.

Stewart River enters from the east in the middle of a wide valley, with low hills on both sides, rising on the north side in steps or terraces to distant hills of considerable height. The river half a mile or so above the mouth, is two hundred yards in width. The current is slack and the water shallow and clear, but dark colored.

From Stewart River to the site of Fort Reliance, seventy-three and a quarter miles, the Yukon is broad and full of islands. The average width is between a half and three-quarters of a mile, but there are many expansions where it is over a mile in breadth; however, in these places it can not be said that the waterway is wider than at other parts of the river, the islands being so large and numerous. In this reach no streams of any importance enter.

About thirteen miles below Stewart River a large valley joins that of the river, but the stream occupying it is only a large creek. This agrees in position with what has been called Sixty Mile Creek, which was supposed to be about that distance above Fort Reliance, but it does not agree with descriptions which I received of it; moreover as Sixty Mile Creek is known to be a stream of considerable length, this creek would not answer its description.

Twenty-two and a half miles from Stewart River another and larger creek enters from the same side; it agrees with the descriptions of Sixty Mile Creek, and I have so marked it on my

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*The White River very probably flows over volcanic deposits as its sediments would indicate; no doubt this would account for the discoloration of its waters. The volcanic ash appears to cover a great extent of the Upper Yukon basin drained by the Lewes and Pelly Rivers.

map. This stream is of no importance, except for what mineral wealth may be found on it.*

Six and a half miles above Fort Reliance the Thron-Diuck† River of the Indians (Deer River of Schwatka) enters from the

*Sixty Mile Creek is about one hundred miles long, very crooked, with a swift current and many rapids, and is therefore not easy to ascend.

Miller, Glacier, Gold, Little Gold, and Bedrock Creeks are all tributaries of Sixty Mile. Some of the richest discoveries in gold so far made in the interior since 1894 have been upon these creeks, especially has this been the case upon the two first mentioned. There is a claim upon Miller Creek owned by Joseph Boudreau from which over $100,000 worth of gold is said to have been taken out.

Freight for the mines is taken up Forty Mile Creek in summer for a distance of thirty miles, then portaged across to the heads of Miller and Glacier Creeks. In the winter it is hauled in by dogs.

The trip from Cudahy to the post at the mouth of Sixty Mile River is made by ascending Forty Mile River a small distance, making a short portage to Sixty Mile River and running down with its swift current. Coming back on the Yukon, nearly the whole of the round trip is made down stream.

Indian Creek enters the Yukon from the east about thirty miles below Sixty Mile. It is reported to be rich in gold, but owing to the scarcity of supplies its development has been retarded.

At the mouth of Sixty Mile Creek a town site of that name is located, it is the headquarters for upwards of one hundred miners and where they more or less assemble in the winter months.

Messrs. Harper & Co. have a trading post and a saw-mill on an island at the mouth of the creek, both of which are in charge of Mr. J. Leduc, one of the partners of the firm, and who was at one time in the employ of the Alaska Commercial Company.

†Dawson City is situated at the mouth of the Thron-Diuck, and although it was located only a few months ago, it is the scene of great activity. Very rich deposits of gold have been lately found on Bonanza Creek and other affluents of the Thron-Diuck.

east. It is a small river about forty yards wide at the mouth, and shallow; the water is clear and transparent, and of beautiful blue color. The Indians catch great numbers of salmon here.

A miner had prospected up this river for an estimated distance of forty miles, in the season of 1887. He said the current was comparatively slack, with an occasional "ripple" or small rapid. Where he turned back the river is surrounded by high mountains, which were then covered with snow, which accounts for the purity and clearness of the water.

Twelve and a half miles below Fort Reliance, the Chandindu River enters from the east. It is thirty to forty yards wide at the mouth, very shallow, and for half a mile up is one continuous rapid. Its valley is wide and can be seen for a long distance looking northeastward from the mouth.

Between Fort Reliance and Forty Mile River the Yukon assumes its normal appearance, having fewer islands and being narrower, averaging four to six hundred yards wide, and the current being more regular. This stretch is forty-six miles long, but was estimated by the traders at forty, from which the Forty Mile River took its name.

Forty Mile River* joins the main river from the west. Its general course as far up as the International Boundary, a distance of twenty-three miles, is southwest; after this it is reported by the miners to run nearer south. Many of them claim to have ascended this stream for more than one hundred miles, and speak of it there as quite a large river. They say that at that distance it has reached the level of the plateau, and the country adjoining it they describe as flat and swampy, rising very little above the river. It is only a short distance across to the Tanana River—a large tributary of the Yukon—which is here described as an important stream. Only about twenty-three miles of Forty Mile River are in Canada.

Forty Mile River is one hundred to one hundred and fifty yards wide at the mouth, and the current is generally strong, with many small rapids. Eight miles up is the so-called canyon; it is hardly entitled to that distinctive name, being simply a crooked contraction of the river with steep, rocky banks, and

*Forty Mile town site is situated on the south side of the Forty Mile River at its junction with the Yukon.

on the north side there is plenty of room to walk along the beach. At the lower end of the canyon there is a short turn and swift water in which are some large rocks; these can not generally be seen, and there is much danger of striking them running down in a boat. At this point several miners have been drowned by their boats being upset in collision with these rocks. It is no great distance to either shore and one would think an ordinary swimmer would have no difficulty in reaching land; but the coldness of the water soon benumbs a man completely and renders him powerless.

The length of the so-called canyon is about a mile. Above it the river up to the boundary is generally smooth, with swift current and an occasional ripple. The amount of water discharged by this stream is considerable; but there is no prospect of navigation, it being so swift and broken by small rapids.

From Forty Mile River to the boundary the Yukon preserves the same general character as between Fort Reliance and Forty Mile, the greatest width being about half a mile and the least about a quarter.

Fifteen miles below Forty Mile River a large mass of rock stands on the east bank. This was named by Schwatka "Roquette Rock," but is known to the traders as Old Woman Rock, a similar mass, on the west side of the river, being known as Old Man Rock.

Between Forty Mile River and the boundary line no stream of any size joins the Yukon; in fact, there is only one stream, which some of the miners have named Sheep Creek, but as there is another stream further down the river, called by the same name, I have named it Coal Creek. It is five miles below Forty Mile, and comes in from the east, and is a large creek, but not at all navigable. On it some extensive coal seams were seen.

METALS FOUND ON THE RIVER.

About two miles up Forty Mile River there are large exposures of a white and a gray limestone, containing many thin seams and pockets of galena. One of the seams as seen on the bank is of considerable extent, but as to its length there is no evidence, as it is all covered with drift. Two specimens were sent out and have been assayed by Mr. G. C. Hoffman, of the Geological Survey, with the following result: Specimen marked II, from Forty Mile, about two and one-half miles up, con-

tains: gold, a distinct trace; silver, thirty-eight and sixty-four hundredths ounces to the ton of 2,000 pounds.

Specimen marked I, from north bank of Yukon River, opposite the mouth of Thron-Diuck River, about five miles above Fort Reliance, contains: gold, a trace, silver, three and sixty-four hundredths ounces to the ton.

Specimen marked IV, from near Station 634 of survey, or near Chandindu River, ten or twelve miles below Fort Reliance, contains: gold, a trace, silver, 0.117 ounces to the ton. Nothing was observed at this point to indicate an extensive quantity of this ore.

It must be borne in mind that these specimens were found by accident. A closer examination of the localities might reveal valuable seams. I have described the specimens found in the order of their value. Though none of them are rich, they show that through an extensive district there are at least indications of wealth. The order in which they were picked up on the river is, I, IV, and II and III together on Forty Mile River. From I to III is about forty miles in an air line. I was informed that gold and silver bearing specimens of quartz had been found on Sixty Mile Creek but I can give no details. I was also informed that a specimen of gold-bearing quartz was picked up some years ago, high up on the side of the bank of Yukon River, opposite the mouth of White River. It was sent to San Francisco and assayed, showing the enormous value of $20,000 to the ton. This specimen was picked up above high water mark, so that it must have been found at or near its origin, or have been transported there by a glacier, the bank being about 1,200 feet high. No further details regarding this specimen could be learned.

An extensive ledge of gold-bearing quartz is reported on the westerly side of the river, about two miles above Stewart River.

While on Lake Bennett building our boat I found an extensive ledge of quartz and sent specimens of it out by Dr. Dawson. The assay showed that they contained only traces of gold. The ledge is sixty to eighty feet wide, and can be easily traced on the surface for three or four miles. A small creek cuts through it about a mile from the lake, and in this creek are found colors of gold.

The gold heretofore found and worked in this district has been all placer gold. Search was made for it occasionally by

us along the lakes and river as we descended, but with the exception of the colors mentioned at the quartz ledge on Lake Bennett, none was found until after we had passed Lake LeBarge, about six miles below which, at a sharp, short bend in the river, we found in a bar many colors to the pan. It may be said gencrally that colors are found anywhere on the river between that point and the boundary, and also on the tributaries which have been prospected.

It is probable that we have not less than 1,400 miles of stream in our part of the district, upon all of which gold can be found.

About eighteen miles below the Teslintoo I saw the first place that had been worked for gold. Here a hut had been erected, and there were indications that a party had wintered there. Between it and Big Salmon River, six other locations were met with. One of them, named Cassiar Bar, was worked in the season of 1886, by a party of four, who took out $6,000 in thirty days. They were working there when I passed in 1887, but stated that all they could get that season was about $10 per day, and that it was then (3rd August) about worked out. At the time of my visit they were trying the bank, but found the ground frozen at a depth of about three feet, though there was no timber or moss on it. They had recourse to fire to thaw out the ground, but found this slow work.

From Mr. T. Boswell, who had prospected the Teslintoo, or Newberry River, in the summer of 1887, I learned that the whole length of that river yielded fine gold, generally at the rate of $8 to $10 per day.

Stewart River was the first in the district on which mining to any extent was done. In 1886 there were quite a number of miners on it engaged in washing gold and they all appear to have done fairly well.

The only mining done on Stewart River was on the bars in the river; the bench and bank bars were all timbered and frozen, so that to work them would entail a resort to hydraulic mining, for which there was no machinery in the country.

During the fall of 1886, three or four miners combined and got the owners of the "New Racket" steamboat to allow the use of her engines to work pumps for sluicing with. The boat was hauled up on a bar, her engines detached from the wheels, and made to drive a set of pumps manufactured on the ground,

which supplied water for a set of sluicing boxes. With this crude machinery, in less than a month, the miners cleared $1,000 each, and paid an equal amount to the owners of the boat as their share.

Alexander McDonald reported to me that the gold on the upper river was somewhat coarser than that on the lower, but not enough so as to be called "coarse gold." He seemed to be satisfied with the result of his season's prospecting, and intended spending the next season there.

Many of the miners who had spent 1886 on Stewart River, and 1887 on Forty Mile River, seemed to think the former the better all round mining field, as there were no such failures there as on Forty Mile, and they declared their intention to make their way back to the Stewart for the season of 1888.

Forty Mile River is the only river in the dictrict on which, up to the fall of 1888, coarse gold had been found.

The miners term Forty Mile a "bed-rock" creek—that is, one in the bed of which there is little or no drift, or detrital matter, the bottom of the river being bed-rock. In many places this rock had been scraped with knives by the miners, in order to gather the small amount of detritus and its accompanying gold.

Very little of the gold on this creek was found in Canadian territory, the coarsest gold being found well up the river. The river had been prospected in 1887 for upwards of one hundred miles, and gold found all the way up. The great point with a miner is to find where the gold comes from. To do this he has to reach a point on the river where there is none; then he knows he has passed the source, and will search in side valleys and gulches. The theory seems to be that the gold is stored up somewhere and dribbled out along the river.

Pieces of gold-bearing quartz had frequently been picked up along the river in shallow drift. Near the mouth of the river there is an extensive flat of detrital matter through which a couple of small creeks flow. This is all said to be gold-bearing, and, it was thought, would pay well for sluicing.

Big and Little Salmon Rivers have also been prospected, with the usual result that more or less gold has been found everywhere.

I think it may, with confidence, be asserted that rich fields will yet be made of both coarse gold and gold-bearing quartz.

It is not likely in the nature of things that such a vast extent of country should have all its fine gold deposited as sediment, brought from a distance in past ages of the world's development. If this is not the case, the matrix from which all the gold on these streams has come, must still exist, in part at least, and will no doubt be discovered.

There are many bank and bench bars along the river which would pay well if sluiced, but there is no convenient or economical way of getting water on them, and there is no pumping machinery as yet in the country. One bank bar of large extent, called Rogers' Bar, just below Old Man Rock, attracted attention in the spring of 1888, and some miners were thinking of getting in an engine and pumps to work it.

This bar is more than fifty feet above the water. It fronts on the river for more than two miles, and is in places nearly two miles deep.

Platinum is generally found associated with gold. This is particularly the case on Forty Mile River.

As very few outside of mining communities understand anything of the momenclature of the craft, or of the methods employed to separate the very small quantities of the precious metal from the baser material with which it is associated, a short description will not be out of place.

When a miner "strikes" a bar he "prospects" it by washing a few panfuls of the gravel or sand of which it is composed. According to the number of "colors" he finds to the pan, that is, the number of specks of gold he can see in his pan after all the dirt has been washed out, he judges of its richness. Many of them have had so much experience that they can tell in a few minutes very nearly how much a bar will yield per day to the man.

The process of "placer" mining is about as follows: After clearing all the coarse gravel and stone off a patch of ground, the miner lifts a little of the finer gravel or sand in his pan, which is a broad, shallow dish, made of strong sheet iron; he then puts in water enough to fill the pan, and gives it a few rapid whirls and shakes; this tends to bring the gold to the bottom on account of its greater specific gravity. The dish is then shaken and held in such a way that the gravel and sand are gradually washed out, care being taken as the process nears completion to avoid letting out the finer and heavier parts that

have settled to the bottom. Finally all that is left in the pan is whatever gold may have been in the dish and some black sand which almost invariably accompanies it.

This black sand is nothing but pulverized magnetic iron ore. Should the gold thus found be fine, the contents of the pan are thrown into a barrel containing water and a pound or two of mercury. As soon as the gold comes in contact with the mercury it combines with it and forms an amalgam. The process is continued until enough amalgam has been formed to pay for "roasting" or "firing." It is then squeezed through a buckskin bag, all the mercury that comes through the bag being put back into the barrel to serve again, and what remains in the bag is placed in a retort, if the miner has one, or, if not, on a shovel, and heated until nearly all the mercury is vaporized. The gold then remains in a lump with some mercury still held in combination with it.

This is called the "pan" or "hand" method, and is never, on account of its slowness and laboriousness, continued for any length of time when it is possible to procure a "rocker," or to make and work sluices.

A "rocker" is simply a box about three feet long and two wide, made in two parts, the top part being shallow, with a heavy sheet iron bottom, which is punched full of quarter-inch holes. The other part of the box is fitted with an inclined shelf about midway in its depth, which is six or eight inches lower at its lower end than at its upper. Over this is placed a piece of heavy woolen blanket. The whole is then mounted on two rockers, much resembling those of an ordinary cradle, and when in use they are placed on two blocks of wood so that the whole may be readily rocked. After the miner has selected his claim, he looks for the most convenient place to set up his "rocker," which must be near a good supply of water. Then he proceeds to clear away all the stones and coarse gravel, gathering the finer gravel and sand in a heap near the "rocker." The shallow box on top is filled with this, and with one hand the miner rocks it, while with the other he ladles in water. The finer matter with the gold falls through the holes onto the blanket, which checks its progress, and holds the fine particles of gold, while the sand and other matter pass over it to the bottom of the box, which is sloped so that what comes through it is washed downwards and finally out of the box.

Across the bottom of the box are fixed thin slats, behind which some mercury is placed to catch any particles of gold which may escape the blanket. If the gold is nuggety, the large nuggets are found in the upper box, their weight detaining them until all the lighter stuff has passed through, and the smaller ones are held by a deeper slat at the outward end of the bottom of the box. The piece of blanket is, at intervals, taken out and rinsed into a barrel; if the gold is fine, mercury is placed at the bottom of the barrel, as already mentioned.

Sluicing is always employed when possible. It requires a good supply of water with sufficient head or fall. The process is as follows: Planks are procured and formed into a box of suitable width and depth. Slats are fixed across the bottom of the box at suitable intervals, or shallow holes bored in the bottom in such order that no particle could run along the bottom in a straight line and escape without running over a hole. Several of these boxes are then set up with a considerable slope and are fitted into one another at the ends like a stove-pipe. A stream of water is now directed into the upper end of the highest box. The gravel having been collected, as in the case of the rocker, it is shoveled into the upper box and is washed downwards by the strong current of water. The gold is detained by its weight, and is held by the slats or in the holes mentioned; if it is fine, mercury is placed behind the slats or in these holes to catch it. In this way about three times as much dirt can be washed as by the rocker, and consequently three times as much gold is secured in a given time. After the boxes are done with they are burned, and the ashes washed for the gold held in the wood.*

*A great many of the miners spend their time in the summer prospecting and in the winter resort to a method lately adopted and which is called "burning." They makes fires on the surface thus thawing the ground until the bed rock is reached, then drift and tunnel; the pay dirt is brought to the surface and heaped in a pile until spring when water can be obtained. The sluice boxes are then set up and the dirt is washed out, thus enabling the miner to work advantageously and profitably the year round. This method has been found very satisfactory in places where the pay streak is at any great depth from the surface. In this way the complaint is overcome which has been

Unfortunately, on Lewes and Pelly Rivers there is no way of sluicing without the aid of pumps, there being no streams with fall enough to get the necessary current in the sluice boxes.

There is very little reliable information as to the amount of gold that has been taken out of the district since its discovery and development. The following is the best estimate which I can form on the subject:

Stewart River was pretty well worked for two seasons, 1885-86, by about forty men, some of whom made at least $5,000. Assuming that they averaged half that amount, we have $100,000 as their earnings. Forty Mile River, the only other stream from which any large quantity has been taken, was worked in the summer of 1887 by about three hundred men, many of whom spent only a few weeks on the river, some only a few days. The statement made by those of whom I inquired was that all

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so commonly advanced by miners and others that in the Yukon several months of the year are lost in idleness. Winter usually sets in very soon after the middle of September and continues until the beginning of June and is decidedly cold. The mercury frequently falls to sixty degrees below zero, but in the interior there is so little humidity in the atmosphere that the cold is more easily endured than on the coast. In the absence of thermometers, miners, it is said, leave their mercury out all night: when they find it frozen solid in the morning they conclude that it is too cold to work and stay at home. The temperature runs to great extremes in summer as well as in the winter; it is quite a common thing for the thermometer to register one hundred degrees in the shade. There is continuous daylight from the middle of June until the early part of August, but in the depth of winter there is little more than three hours of partial daylight in the twenty-four. So that constant daylight for a portion of the year and almost total darkness for another portion might very well create doubts in one's mind as to what portion of the day in either case should be given to sleep. In the summer months it is possible for a miner to put in as many hours as he has the power to endure the physical strain. Constant daylight admits of several shifts of men being employed and in this way mining operations may go on continuously throughout every hour of the day.

who worked on the river for any length of time made a "grub stake." Putting this at the lowest value I placed on it, $450, and assuming that two hundred and fifty men made each this sum, we have $112,500 as the amount taken out on this stream. I have heard the sum placed at $130,000.

All the gold taken from the other streams by prospectors would not amount to more than a few thousand dollars, so that it is probable the total amount taken out of the whole district is in the vicinity of a quarter of a million dollars, of which about half was taken out in our territory.

I learned that the prevailing high water interfered very much with the success of the miners in the season of 1888, and that many of them left the country in the fall. It is probable, however, that a few will remain prospecting until something rich is found.

As Dr. Dawson has reported on the geology of the region along the Lewes, and Mr. McConnell has made an examination of the Yukon from Porcupine River, it is needless to do more than refer to their reports. I may briefly state, however, that the whole course of the river in Canada is through a mountainous country, the rocks of which, as far as seen, are principally granite, schists, shales, and some limestone, the latter at Lake Le Barge. There is also some basalt at the canyon and at the confluence with Pelly River.

Just below Coal Creek a range of high mountains comes in from the southeast, and continues down the river past the boundary. These mountains are composed principally of limestone, with occasional exposure of shale and sandstone.

EXTRACTS FROM MR. OGILVIE'S REPORTS.

Cudahy, June 25th, 1896.

Horses that have been in use here, packing to the mines in the summer and hauling wood in the winter for several years, are still serviceable, notwithstanding that they live only on the coarse grasses of the country. They pack two hundred pounds apiece from Forty Mile River at the mouth of Moore Creek to the mines on Miller Creek (about seventeen and a half or eighteen miles) and climb some very steep, long hills on the way, taking two days with loads and one day without; all they get to eat is what they find.

Cudahy, 6th September, 1896.

I am very much pleased to be able to inform you that a most important discovery of gold has been made on a creek called Bonanza Creek, an affluent of the river known here as the Klondyke.* It is marked on the maps extant as Deer River and joins the Yukon a few miles above the site of Fort Reliance.

The discovery was made by G. W. Cormack, who worked with me in 1887 on the coast range. It is only two weeks since it was known, and already about two hundred claims have been staked on it and the creek is not yet exhausted: it and its branches are considered good for three hundred or four hundred claims. Besides there are two other creeks above it which it is confidently expected will yield good pay, and if they do so we have from eight hundred to one thousand claims on this river which will require over two thousand men for their proper working. Between Thron-Diuck River and Stewart River a large creek called Indian Creek flows into the Yukon, and rich prospects have been found on it, and no doubt it is in the gold-bearing country between Thron-Diuck and Stewart Rivers, which is considered by all the old miners the best and most extensive gold country yet found. Scores of them would prospect it but for the fact that they can not get provisions up there and it is too far to boat them up from here in small boats.

News has just arrived from Bonanza Creek that three men worked out $75 in four hours the other day, and a $12 nugget has been found, which assures the character of the ground, namely, coarse gold and plenty of it, as three times this can be done with sluice boxes. It is claimed that from $100 to $500 per day can be made off the ground that has been prospected so far. We have about one hundred claims on Glacier and Miller Creeks, with three or four hundred in this vicinity.

Cudahy, November 6th, 1896.

For myself to think of going out in the winter is, I think, unwise, for the following reasons:—Dogs, the only means of transport, are scarce and dear, ranging from $30 or $40 to $125 apiece. Dog food, like all other food, is scarce, by reason of the poor salmon run in the river last season—practically none

*The correct name is Thron Diuck.

were caught near here—and the result is the dog owners here have to use bacon for food, which, at twenty-five to forty cents per pound, is expensive.

I would require a team of eight dogs to take my outfit and my man Fawcett with our provisions and the dogs' food as far as Taiya. There the dogs would have to be abandoned or killed, as they are worthless on the coast, except to parties coming in here early in the season. Starting from here say December 1st, it would be February before I reached Ottawa, and during thirty-five or forty days of this time we would be exposed to much cold and hardship and some hazard from storms.

The journey has been made, and I would not hesitate to undertake it were things more reasonable here and dog food plentiful, but it would take at least $1,000 to equip me with transport and outfit, which sum, I think, I can expend more in the interests of the country by remaining here and making a survey of the Klondak of the miners—a mispronunciation of the Indian word or words "Thron-dak" or "diuck," which means plenty of fish. from the fact that it is a famous salmon stream. It is marked Tondak on our maps. It joins the Yukon from the east, a few miles above the site of Fort Reliance, about fifty miles above here. As I have already intimated, rich placer mines of gold were discovered on the branches of this stream. The discovery, I believe, was due to the reports of Indians. A white man named George W. Cormack, who worked with me in 1887, was the first to take advantage of the rumors and locate a claim on the first branch, which was named by the miners Bonanza Creek. Cormack located late in August, but had to cut some logs for the mill here to get a few pounds of provisions to enable him to begin work on his claim. The fishing at Thron-Diuck having totally failed him, he returned with a few weeks' provisions for himself, his wife and brother-in-law (Indians) and another Indian in the last days of August, and immediately set about working his claim. As he was very short of appliances he could only put together a rather defective apparatus to wash the gravel with. The gravel itself he had to carry in a box on his back from thirty to one hundred feet; notwithstanding this the three men working very irregularly washed out $1,200 in eight days, and Cormack asserts with reason that had he had proper facilities it could have been done in two days, besides having several hundred dollars more gold which was lost in the tailings through defective apparatus.

On the same creek two men rocked out $75 in about four hours, and it is asserted that two men in the same creek took out $4,000 in two days with only two lengths of sluice boxes. A branch of Bonanza named El Dorado has prospected magnificently, and another branch named Tilly Creek has prospected well; in all there are some four or five branches to Bonanza which have given good prospects. There are about one hundred seventy claims staked on the main creek, and the branches are good for about as many more, aggregating say three hundred fifty claims, which will require over one thousand men to work properly.

A few miles farther up Bear Creek enters Thron-Diuck, and it has been prospected and located on. About twelve miles above the mouth Gold-bottom Creek joins Thron-Diuck, and on it and a branch named Hunker Creek (after the discoverer) very rich ground has been found.

Indian Creek is quite a large stream and it is probable it will yield five or six hundred claims. Further south yet lies the head of several branches of Stewart River on which some prospecting has been done this summer and good indications found, but the want of provisions prevented development. Now gold has been found in several of the streams joining Pelly River, and also all along the Hootalinqua. In the line of these finds farther south is the Cassiar gold field in British Columbia; so the presumption is that we have in our territory along the easterly water-shed of the Yukon a gold-bearing belt of indefinite width, and upwards of three hundred miles long, exclusive of the British Columbia part of it. On the westerly side of the Yukon prospecting has been done on a creek a short distance above Selkirk with a fair amount of success, and on a large creek some thirty or forty miles below Selkirk fair prospects have been found; but, as before remarked, the difficulty of getting supplies here prevents any extensive or extended prospecting.

Dalton informed me he had found good prospects on a small creek nearly midway between the coast range and Selkirk in his route.

Before closing I may say that every report that comes in from Bonanza Creek is more encouraging than the last. Prospecting has only begun, and up to date of mailing, November 22d, very rich prospects have been found on the few claims

prospected on: from one dollar to the pan of dirt up to twelve dollars are reported and no bed rock found yet. This means from $1,000 to $12,000 per day per man sluicing.

Cudahy, 9th December, 1896.

Since my last the prospects on Bonanza Creek and tributaries are increasing in richness and extent until now it is certain that millions will be taken out of the district in the next few years.

On some of the claims prospected the pay dirt is of great extent and very rich. One man told me yesterday that he washed out a single pan of dirt on one of the claims on Bonanza and found $14.25 in it. Of course that may be an exceptionally rich pan, but $5 to $7 per pan is the average on that claim it is reported, with five feet of pay dirt and the width yet undetermined, but it is known to be thirty feet even at that; figure the result at nine to ten pans to the cubic foot, and five hundred feet long; nearly $4,000,000 at $5 per pan—one-fourth of this would be enormous.

Another claim has been prospected to such an extent that it is known there is about five feet pay dirt averaging $2 per pan and width not less than thirty feet. Enough prospecting has been done to show that there are at least fifteen miles of this extraordinary richness; and the indications are that we will have three or four times that extent, if not all equal to the above at least very rich.

It appears a great deal of staking for absentees has been done, some of whom have turned up and some have not. This has caused confusion and leads to a good deal of what might be called fraud, for it is easy for a few in the inner circle to know what claims have been recorded in accordance with the law, and what have not. They can then for themselves directly or through the intervention of a friend have the latter jumped for their whole or partial interest. It appears this has been done in several instances.

Some quartz prospecting has been done in Thron-Diuck region, and it is probable that some good veins will be found there. Coal is found on the upper part of Thron-Diuck; so that the facilities for working it if found are good and convenient.

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Cudahy, 22d January, 1897.

A quartz lode showing free gold in paying quantities has been located on one of the creeks, but I can not yet send particulars. I am confident from the nature of the gold found in the creeks that many more of them—and rich too—will be found.

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Cudahy, 23d January, 1897.

I have just heard from a reliable source that the quartz mentioned above is rich, as tested, over one hundred dollars to the ton. The lode appears to run from three to eight feet in thickness and is about nineteen miles from the Yukon River. I will likely be called on to survey it, and will be able to report fully.

Placer prospects continue more and more encouraging and extraordinary. It is beyond doubt that three pans on different claims on El Dorado turned out $204, $212, and $216; but it must be borne in mind that there were only three such pans, though there are many running from $10 to $50.

ROUTES TO THE YUKON DISTRICT.

The great obstacle to the development of the Yukon district is the difficulty of access.

There are at present only two traveled routes. One is by Lynn Canal, the Taiya (now known as Dyea) Pass, and by way of the lakes down the Yukon; the other is by way of St. Michael, Alaska, ascending the river from its mouth.

Nearly the whole of the supplies for the district come by steamer up the river; it is the easiest but the longest route, and the diggings are not reached till a considerable portion of the short summer season has passed. As a rule it is not safe to enter Norton Sound, on account of ice, before the 15th of June. St. Michael is eighty miles from the northerly mouth of the Yukon; to cover that distance in a flat bottomed river boat requires calm weather. After crossing the bar the boat is tied up for cleaning the boilers and getting rid of the salt. The first boat does not arrive till late in July, and the river closes in the latter part of September, so that the arrival of the last

boats is somewhat uncertain. Two round trips in the season are all that can be relied upon.

Many parties prefer going by Lynn Canal, the Taiya (Dyea) Pass. The distance from the sea at Chilkoot Inlet is only five hundred eighty miles and by starting in April or May the diggings are reached by the beginning of June.

The upper part of the Yukon River opens several weeks before the lower part is free from ice. After crossing the Pass, the trip to Dawson can be accomplished in eight days.

J. Dalton, a trader, has used a route overland from Chilkat Inlet to Fort Selkirk going up the Chilkat and Klaheela Rivers, he crosses the divide to the Tahkeena River and continues northward over a fairly open country practicable for horses. The distance from the sea at Chilkat Inlet, Haines Mission, to Fort Selkirk is about three hundred miles.

Last summer a Juneau butcher sent forty head of cattle to Dawson. G. Bounds, the man in charge, crossed the divide over the Chilkat Pass, followed the shore of Lake Arkell, and, keeping to the east of Dalton's trail, reached the Yukon just below Rink Rapids. Here the cattle were slaughtered and the meat floated down on a raft to Dawson, where it retailed at one dollar a pound.

It is proposed to establish a winter road somewhere across the country traveled over by Dalton and Bounds. The Yukon can not be followed, the ice being too much broken, so that any winter road will have to be overland. A thorough exploration is now being made of all the passes at the head of Lynn Canal and of the upper waters of the Yukon. In a few months it is expected that the best routes for reaching the district from Lynn Canal will be definitely known.

The following information regarding the trip from Juneau to the Yukon is taken from the Alaska Searchlight, January, 1895:

The valley of the Yukon may be reached from Juneau, Alaska, by four different routes, crossing the coast range of mountains through as many passes, the Dyea or Chilkoot Pass, the Chilkat, Moore's or the White Pass, and Takou. As the Chilkoot is the only pass used to any extent, it is this route the miner will select. From Juneau to the summit of the Chilkoot Pass is a distance of one hundred and fifteen miles. Small steamers ply irregularly between Juneau and Dyea, the head of navigation, a hundred miles northwest of Juneau. During the

early spring these boats usually sail a day or two after the arrival of the mail steamers from the Sound. The trip in good weather is made in twelve hours if there is no towing to be done and the regular fare is ten dollars, each passenger furnishing his own blankets and provisions. If the party is a large one with considerable baggage a scow is loaded with the miners' outfits; if the tides are high the boat sometimes goes over the bar at the head of Douglas Island thus saving nearly twenty miles of travel besides avoiding the rough waters of the Takous. If the tides are not high the scow may be towed over the bar by the little tug "Julia," and the steamboat will take its course around the lower end of Douglas. In rounding the point of the island the vessel is often subjected to the fierce winds which sweep down the valley of the Takou River. If there is a strong north or northwest wind, like a demon it comes roaring out from the Takou, lashing the water into foam in its rage and tossing volumes of spray clear over the top of Grand Island. When the steamer has come around to the head of the island it takes the scow in tow and in about twenty hours from the time of leaving it enters the mouth of the Dyea River near Chilkoot, the salt water journey is ended.

Here on a sandspit, about a mile below Healy & Wilson's trading posts, the outfits are taken from the scow and piled upon the beach. Each man must look out for himself now—the guardianship of your baggage by any carrying company is ended. Juneau is nearly a hundred miles behind you. Immediately in the foreground is the ranch and store owned by Healy & Wilson, and beyond in their mantles of snow rise the coast mountains, cold and severe, striking a feeling of dread into many a heart; and beyond this frozen barrier there stretches away hundreds of miles the vast country of the Yukon, an expanse so wide that it is limited only by the extent of man's endurance. But haste must be made in the sorting of outfits and getting them above tide water. Most miners camp near by in the edge of the woods, perhaps taking one or two meals at the trading post, which can be had at the price of fifty cents each; others find both board and lodging there until they are ready to push on.

Now for the first time the miner begins to size up his belongings, and begins to realize that a proper outfit for a trip of this kind is the result of experience, and the longer he has

been in this country and the more thoroughly he knows it, just so much more care is used in the selection and packing of his outfit. A careful and thorough examination should be made to see that nothing has been lost or forgotten. There is his Yukon sleigh, without which further progress would be well-nigh impossible, a skeleton affair made from the best hard wood and shod with ground steel runners. It is seven feet three inches long and sixteen inches wide—just the proper width to track behind snowshoes, and it costs from seven to fourteen dollars. Steel is preferable to iron for the shoes, as it slides more easily through the fine, dry snow one finds in the early spring. No outfit is complete without snowshoes, tent, blankets or fur robes, besides tools for boat-building and plenty of provisions, and now an ingenious little sheet-iron stove has come to be almost an indispensable luxury. An ordinary outfit will weigh about four hundred pounds to the man, although some have been taken in which would tip the scales at fifteen hundred weight. Such large outfits are no longer necessary or advisable, as competition between the trading companies at Forty Mile has so reduced prices that it does not pay to take in more than a generous allowance for the journey, as it is easier to buy the provisions for the season's prospecting there. If anything is lacking it is well to remember that this post is the last store until the Yukon is reached. Unless the weather is stormy one night is all that is spent in camp here, and in the morning the outfit is moved ahead. Unless it is very small this must be done in sections, and it is necessary to "double trip" it, in miners' parlance, that is, make two or more loads of the outfit, moving a part ahead to some point, then unloading it and returning for the rest. On leaving Healy & Wilson's with the last sleigh load, one bids farewell to hotels, restaurants, steamboats, and stores—in fact, to civilization, and is a "free man" to pursue his course how and where he will: beyond all conventionalities of society, and practically beyond all law so far as it is the outgrowth of organized governments.

Going up the Dyea River five miles on the ice, will bring one to the mouth of the canyon. Here in the woods a comfortable camp can be easily arranged. The tent is pitched on top of the snow, the poles and pins being pushed down into it. While some are busily engaged in building a fire and making a bed, the best cook of the party prepares the supper. If you

have no stove a camp-fire must be built, either on an exposed point of rock or in a hole dug down in the snow; if you have a stove it can be quickly arranged on a "gridiron" inside the tent, the gridiron consisting of three poles some six or eight feet long, and laid on the snow on which the stove is placed. The heat from the stove will soon melt a hole underneath, but there will be enough firm snow under the ends of the poles to hold it up. For the bed hemlock brush is cut and laid on the snow to a depth of a foot or more, and this is covered with a large square of canvas on which the blankets and robes are put; when finished it forms a natural spring bed, which will offer grateful rest after hauling a sled all day.

Dyea Canyon is about two miles long, and perhaps fifty feet wide. A boat can not go through it, but in the early spring miners go through on the ice, bridging with poles the dangerous places or openings. After the ice breaks up it is necessary to go over the trail on the east side of the canyon. This trail was built by Captain Healy at his own expense, but is little used, as most miners go through the canyon before the ice breaks up. The camping place beyond the canyon is a strip of woods some three miles long, known as Pleasant Camp. Its name is something of a misnomer for there is not even a log shanty there; some woods to give a kind of shelter, and as everywhere else along the route, plenty of snow.

From here the ascent is gradual and the next and last camp in timber before crossing the summit is known as Sheep Camp. This is at the edge of timber, and no wood for a fire can be gotten any higher up. This camp is not usually broken until all of the outfit has been placed on the summit. When the weather is favorable, everything except what is necessary for camp is pushed a mile and a half to Stonehouse, a clump of big rocks, and then to what is called the second bench. Care must be exercised in case of soft weather, or everything is liable to be swept from the bench by a snow-slide or avalanche, and should this happen, the Indians will prove of great assistance in recovering part of the things. With long, slender rods tipped with steel they feel down in the snow and locate most of the larger packages, which, without them and their feel rods, one would never find. At Sheep Camp the summit towers above you about 3,500 feet, but the pass is some 500 feet lower. No further progress can be made until a clear day, and some-

times the weather continues bad for two or three weeks, the mountain top hidden in thick clouds, and icy wind hurling the new fallen snow in every direction, or driving the sleet in the face of any one bold enough to stir out of camp, and peep up at that almost precipitous wall of snow and ice. But sunshine comes at last, and the winds grow still. Now comes the tug of war—to get the outfit to the summit, for 600 feet every step must be cut in the ice, and so steep is it that a person with a pack on his back must constantly bend forward to maintain his equilibrium. The first load landed on the summit of the pass, a shovel is stuck in the snow to mark the spot, then back for another pack, and fortunate is he who gets his whole outfit up in a single day. Indians may be hired to do the packing, and their rates vary slightly, but the regular price has been five dollars a hundredweight from the second bench to the summit or fifteen cents a pound from Healy & Wilson's to the lakes. These prices have been shaded a little the past season, and some outfits were packed over to the lakes at thirteen cents a pound. The reasons for this cut in prices are that many miners insist on doing their own packing and that their work has been seriously affected by a tramway device which was operated last season with more or less success by one Peterson, whose inventive genius led him to believe that a simple arrangement of ropes and pulleys would greatly help in getting outfits up the steeper places. A small log is buried in the snow, and to this "dead man" a pulley is attached through which a long rope is passed, to the lower end of which a loaded Yukon sleigh is attached and the empty box on the sled fastened to the upper end of the rope is then filled with snow until its weight becomes sufficient to take it down the incline, thus dragging the other one up. The snow was found too light, but with three or four men as ballast in place of snow it worked well and saved a good deal of hard packing. When the last load has reached the summit, and the miner stands beside his outfit looking down toward the ocean only twenty miles away, he can feel that his journey has fairly begun, and as he turns he sees the descending slope melting away into the great valley of the Yukon.

The descent for the first half mile is steep, then a gradual slope to Lake Linderman some ten miles away. But there is but little time for resting and none for dreaming, as the edge

of the timber where the camp must be made is seven miles from the summit. Taking the camping outfit and sufficient provisions for four or five days, the sleigh is loaded, the rest of the outfit is packed up, or buried in the snow, shovels being stuck up to mark the spot. This precaution is necessary, for storms come suddenly and rage with fury along these mountain crests. The first half mile or more is made in quick time, then over six or seven feet of snow the prospector drags his sleigh to where there is wood for his camp fire. At times this is no easy task, especially if the weather be stormy, for the winds blow the new fallen snow about so as to completely cover the track made by the man but little ahead; at other times during fine weather and with a hard crust on the snow, it is only a pleasant run from the pass down to the first camp in the Yukon basin. In all except the most sheltered situations the tent is necessary for comfort, and the stove gives better satisfaction than the camp-fire, as it burns but little wood, is easier to cook over, and does not poison the eyes with smoke. It is a noticeable fact that there are fewer cases of snow blindness among those who use stoves than among those who crowd around a smoking camp-fire for cooking or for warmth. Comfort in making a trip of this kind will depend, in a great measure, upon the conveniences of camping, suitable clothing, and light, warm bedding. Yes, upon provisions, too, though ofttimes more depends upon the cook than what is in the larder. The necessary articles of food are flour, bacon, beans, sugar and tea; ham, canned meats, rice, milk, butter, dried fruits and coffee are usually taken also, although some old-timers look upon them as luxuries only.

After the rest of the outfit has been brought from the summit the next move is to Lake Linderman, about three miles distant. The route now lies seven miles across the lake to its outlet, down the outlet three or four miles in a northeasterly direction to Lake Bennett, down to the foot of this lake, twenty-five miles, then down the river four or five miles and Takou Lake is reached. This lake is some twenty miles long and empties into Mud Lake through an outlet three miles long; Mud Lake is about ten miles in length, and at the foot of it open water is usually found in April. Open water will probably be passed before reaching this point in the rivers connecting the lakes, but firm ice at the sides affords good sledding,

but at the foot of Mud Lake a raft or boat must be built. Dry timber can be found along the shores with which to build a raft, which will take everything to the Lewis River Canyon, about forty miles to the northwest. The course down the lakes has been much in the form of a horseshoe and now bears to the west instead of the east.

Before reaching the canyon a high cut bank of sand on the right hand side will give warning that it is close at hand. Good river men have run the canyon safely even with laoded rafts, but it is much surer to make a landing on the right side and portage the outfit around the canyon three-quarters of a mile and run the raft through empty. The sameness of the scenery on approaching the canyon is so marked that many parties have gotten into the canyon before they were aware of it. Below the canyon are the White Horse rapids—a bad piece of water; but the raft can be lined down the right hand side until near the White Horse, three miles below. This is a box canyon about a hundred yards long, and fifty in width, a chute through which the water of the river, which is nearly 600 feet wide just above, rushes with maddening force. But few have ever attempted to run it and four of them have been drowned. Of two men who made the attempt in May, '88, nothing was found save a bundle of blankets. Below the White Horse another raft is built and the journey continued seventy-five miles to Lake LeBarge. This usually requires three days. After entering the lake, solid ice is found perhaps a mile from the inlet. Camp is made on the shore, and as the ice gets soft most of the sledding is done in the early morning, it being sufficiently light in May to start soon after midnight. This lake is about forty-five miles long and there is an island about midway. Little snow will be found here late in April, but it will be all glare ice. After camping on the island a day's journey will make the foot of the lake and the sledding is completed. If one expects to stay in the country the sled should not be thrown away, however, as it will prove useful later on. A comfortable camp should be made here, and the building of a boat commenced. This will require from seven to ten days, and the method of preparing lumber is novel to all who are unused to frontier life. The trees selected should be sound and straight and twelve inches through at the butt. A saw-pit about six feet high is built near the tree and the tree felled and cut

into logs about twenty-five feet long. When all is ready, neighbors are invited to the rolling bee to help in placing the logs on the pit. To make good lumber requires a sharp saw and experience, besides hard work. To avoid trouble at this time, the man in the pit should keep his mouth closed. After the pit is leveled and the log peeled, a square is made on the smaller end, and an exact counterpart on the other; the log is then lined both above and below and squared or slabbed, then it is lined for the boards, an eighth of an inch always being allowed for the sawcut. After the boards are sawed, the boat is built, calked, and pitched, oars and poles made, and the journey resumed. Going down the Lewis River, the Hootalinqua, Big Salmon, and Little Salmon Rivers are passed on the right before reaching the Five Fingers. Here four large buttes stand like giant sentinels of stone to dispute your farther ingress into the country; the water, in five passages runs swiftly between; the right hand passage is the only one which is practicable, and though the water is swift it is safe if the boat be kept in the center.

A few moments of strong pulling and careful management and the boat is rapidly approaching Reef Rapids, three miles below. Here again the right hand side insures safety, and having gone through them, the last dangerous water is passed. Next comes the Pelly River, and the junction of the Pelly and Lewis form the Yukon proper. At this point the first trading post is reached. This is known as Harpers and is five hundred and ten miles distant from Juneau.

Continuing the journey Stewart River is passed on the right; then White River on the left, so named on account of its milky-looking water; the next tributary on the same side is Sixty Mile Creek, so called on account of its being sixty miles above Fort Reliance. A hundred miles below on the left side is Forty Mile Creek, forty miles below Fort Reliance. Here the Yukon is over two miles in width and on the upper bank of Forty Mile Creek is the principal trading post of the interior. This is the starting point for all the mines and is seven hundred and fifty miles from Juneau.

This journey is made in early spring by most miners in order to save expenses of packing, and requires then from six to eight weeks, although it can be made in summer from the lakes in eight or ten days. Plenty of provisions should be taken, as little if any game is seen unless one goes back into

the hills for it. Fish are plentiful and a gill net should form a part of every outfit. The whitefish taken from the ice-cold waters of the lakes are the finest in the world. In the spring gull eggs are abundant on the small islands at the foot of Lake LeBarge.

DISTANCES FROM JUNEAU, ALASKA.

	Miles.
To Haines (Chilkat)	80
To Head of canoe navigation	106
To Summit of Chilkoot Pass	115
To Lake Linderman Landing	124
To Head of Lake Bennett	129
To Boundary line bet. B. C. and N. W. T.	139
To Foot of Lake Bennett	155
To Foot of Caribou Crossing	158
To Foot of Takou Lake	175
To Takish House	179
To Head of Mud Lake	180
To Foot of Lake Marsh	200
To Head of Canon	225
To Head of White Horse Rapids	228
To Takheena River	240
To Head of Lake LeBarge	256
To Foot of Lake LeBarge	284
To Hootalinqua River	316
To Big Salmon River	349
To Little Salmon River	385.50
To Five Fingers Rapids	444
To Rink Rapids	450
To Pelly River	503.50
To White River	599.50
To Stuart River	609
To Sixty-Mile Post	629
To Dawson City	678
To Forty-Mile Post	728
To Circle City	898
Forty Mile to Diggings at Miller Creek	70
Circle City to Diggings at Birch Creek	50
Klondyke to Diggings	5

To Sitka	160
To Wrangel	148
To Seattle	899
To San Francisco	1,596

A ROUTE FROM VICTORIA TO THE YUKON ON A LINE OF FORTS.

A Canadian route that seems to afford safety for the Klondyke travelers in having an established and well-organized line of communication, is from Victoria and Interior British Columbia points, up the Athabasca and Mackenzie rivers to the Peel river. It is what Canadians call their short way, by comparison with the St. Michael route, but it is longer than the route through Juneau.

A line of forts stretches all the way, and it is said that when the rivers are open the trip is not a difficult one.

The Canadian Pacific Railroad carries the miner from Victoria to Edmonton. Then there is a forty mile stage line to Athabasca Landing. From the latter point, the journey must be made in canoes during the summer, and by dog trains in winter. The distances are as follows:

	Miles.
Edmonton to Athabasca	40
Athabasca to Fort McMurray	240
Fort McMurray to Fort Chipewyan	185
Fort Chipewyan to Smith Landing	102
Smith Landing to Fort Smith	16
Fort Smith to Fort Resolution	194
Fort Resolution to Fort Providence	168
Fort Providence to Fort Simpson	161
Fort Simpson to Fort Wrigley	136
Fort Wrigley to Fort Norman	184
Fort Norman to Fort Good Hope	174
Fort Good Hope to Fort Macpherson	282
Edmonton to Fort Macpherson	1,882

From Fort Macpherson, the trip to the Klondyke is by way of Peel river. The total distance from Victoria is about 2,300 miles.

This is the old Hudson Bay trunk line to the North, that has been in use by the Canadians for nearly a century.

OTHER ROUTES.

THE STICKEEN ROUTE.—Goods and passengers intended for this route, when opened, would have to be transhipped from ocean going steamers to river steamers at Fort Wrangel or some other point near the mouth of the Stickeen. Of the river itself Dr. Dawson says: "It is navigable for stern-wheel steamers of light draft and good power to Glenora, 126 miles from Rothsay point at its mouth, and under favorable circumstances to Telegraph Creek, twelve miles further. The current is swift, but there are no rapids properly so called. Stern-wheel steamers for the navigation of the Stickeen should have good engine power, and should not draw more than four feet of water when loaded. The river usually opens for navigation between April 20th and May 1st. The river generally freezes over before the end of November, although ice runs somewhat earlier. On the low lands there is good grazing for horses and cattle from April 20th to about December 1st."

The distance from the Stickeen at Telegraph Creek to Teslin Lake the source of the Hootalinqua River is about 150 miles. The trail now in use is considerably longer than this, but exploratory surveys are in progress, and it is confidently believed that a nearly direct route will be found, over comparatively level country. A company has been incorporated to build a railway over this portion of the route. Traffic going by way of Teslin Lake would reach the main Yukon by way of Hootalinqua River, above referred to.

THE TAKU ROUTE has not been opened, or even surveyed. A company has been incorporated to build a railway by it to Teslin Lake. Taku Inlet is an extensive harbor, somewhat open to southwest winds, but would serve very well for the terminus of a route into the interior.

MINING DISCOVERIES IN ALASKA.

From the Alaska Mining Record, January, 1897.

The very small portion of Alaska which has thus far been prospected for quartz, lies entirely along the southeastern coast and never more than three miles from navigable tide water. Back of this very narrow strip the vast region is a veritable terra incognita so far as its leads, lodes and ledges are concerned. The utter absence of roads and trails, and the great difficulty to be found building them, has confined the operations of the quartz prospector and hence of his successor, the developing purchaser, to that very limited strip which lies within easy access to tide water.

This strip, however, has already entirely fulfilled the most sanguine expectations, has developed fortunes, and yet is scarcely touched. This strip includes also the thousands of islands which line the coast, and upon them are located many of the richest of the developed properties as well as many of the most promising prospects in Alaska.

THE YEARLY OUTPUT OF GOLD.

The output of the mines of Alaska is difficult of estimation. The vastness of the mining territory, the extremely migratory characteristic of its population and the entire absence of reports and statistics from a great part of the smaller camps render it a very difficult matter to arrive at a statement approximating correctness except by careful study and watchful attention to every detail. The following estimate is the result of just such work, and is believed to be as nearly correct as is possible and still represent fully, yet conservatively, the production of gold in Alaska during 1896:

Nowell Gold Mining Company, 35 stamps.....$	160,000
Berner's Bay Mining and Milling Company, 40 stamps	125,000
Alaska Treadwell Gold Mining Company, 240 stamps..	800,000
Alaska Mexican Gold Mining Company, 120 stamps..	450,000
Alaska Commercial Company, 40 stamps..	500,000
Bald Eagle Mining Company, 4 stamps.....	200,000
Ebner Gold Mining Company, 10 stamps.....	35,000

Juneau Gold Mining Company, 30 stamps	35,000
Julian Gold Mining Company, 10 stamps	20,000
Alaska Willoughby Gold Mining Company, 10 stamps	15,000
Green mine, Norton Sound, 10 stamps	15,000
Total output of quartz mines	$2,355,000
Lituya Bay placer mines	$ 15,000
Cook Inlet placer mines	175,000
Birch Creek district, Yukon mines	1,300,000
Other Yukon districts	800,000
From several small creeks in various parts of the territory, worked by arrastres	25,000
Total output	$4,670,000

DOUGLAS ISLAND.

Foremost in every respect among the developed properties of Alaska is that of the Alaska Treadwell Gold Mining Company, located on Douglas Island, two and one-half miles from Juneau, on the other side of Gastineau Channel. So much has been written of this famous mine that only the briefest description will be necessary here. In January, 1882, prospectors crossed the channel from Juneau, found "pay dirt" on the beach, and in March following commenced washing for gold on the ground now known as the Ready Bullion. The first three days' cleaning yielded twenty-seven ounces of gold, which created great excitement. In further washing the bed-rock upon this discovery the great Treadwell ledge was exposed. It was located as a quartz claim and called the Paris. Nothing toward development was done until the property was acquired, in 1882, by John Treadwell, for the sum of $400. A five-stamp mill was erected and prospecting developed a ledge 400 feet from wall to wall. In 1883 a mill of 120 stamps was erected and in 1888 its capacity was doubled, making it a 240 stamp mill, the largest in the world under one roof up to the present day. The stamps weigh 850 pounds each, with a seven-inch drop, ninety-six strokes per minute, the capacity of the mill being about 750 tons daily. In 1890 the chlorination works were erected and improvements and additions have been added at

various times since, the plant standing to-day by far the best and most complete extant. Additional ground was acquired to the extent of 5,000 feet, including the Ready Bullion, Mexican and Golden Chariot claims. The Mexican mill of sixty stamps was built and last year increased to 120 stamps, the plant being connected by railway with the Treadwell chlorination works. On the Ready Bullion claim development work has been extensively prosecuted during the past year.

The last annual report of the Treadwell shows that during the year ending May 31, 1896, 263,670 tons of ore were mined and milled at a cost, including the chlorination of 4,397 tons of sulphuretes, of $1.16 per ton, with a bullion yield of $2.96 per ton of ore mined. All costs of construction, maintenance, office expenses, freight, insurance, and the like, are charged as operating expenses. The Treadwell has paid $3,025,000 in dividends.

The Mexican mill is a model and for convenience and economy in production and hadling of ore has no equal. In the enlargement and improvement of the plant during the past summer nothing short of perfection was aimed at and no expense spared to attain that standard. Both this and the Treadwell plants and workings are lighted throughout with electricity and power is secured by means of eighteen miles of ditch, supplying water, a 250 feet pressure to giant Pelton wheels, that at the Treadwell being twenty-two feet in diameter. During periods of scant water from winter frosts, the Peltons are supplemented by powerful Corliss engines and both mills run continuously throughout the year save only for the shut down on Christmas and the Fourth of July, with ores in sight sufficient to last throughout the next century.

The superintendency of both the Treadwell and Mexican operations is in the hands of Mr. Robert Duncan, Jr., assisted by Mr. J. P. Corbus, and to these gentlemen is due the high degree of efficiency to which the workings of the mines and mills have been brought.

Aside from the Treadwell and Mexican properties, which have made this island famous the world over, many prospects here are being quietly developed with every indication of success, and a large number of locations are held awaiting development.

On Edwards creek recent discoveries have been made which

are of great promise and which have attracted the attention of prominent mining men.

SILVER BOW BASIN.

Four miles from Juneau at the head of Gold Creek lies Silver Bow Basin, where Juneau and Harris made their first discovery of auriferous quartz. Here the development of properties has been steadily carried forward until many of the claims are highly productive and their permanence assured. The first mill erected was that of the Johnson Mill and Mining Company, for working the ores of the Takou consolidated group.

Takou Group of Mines.—This group is situated two miles from Juneau at the entrance of Silver Bow Basin, consisting of eight patented claims and a fine water power, equipped with a ten-stamp mill, boarding house and all necessary buildings, both at the mill and mine. The workings are all underground, and all tracks, storage, ore bins and exposed places are snow shedded. The ledge matter lies between slate and green stone walls and averages from twenty to sixty feet in width. The ore is an iron pyrites carrying some zinc blend and a small portion of galena, and what is called "strictly free milling," no concentrators being used. Owing to its low altitude, close proximity to steamboat landing and never-failing water power, this property can be operated all the year round, and is the first mill and mine that has ever run during the winter in Silver Bow basin. The company intends to add ten more stamps in the early spring.

Dora Group of Mines.—This property was located in the early eighties and finally fell into the hands of Dr. H. S. Wyman, who built an arrastre and milled quite a quantity of ore from the Dora claim with very good results. In 1894 120 tons of the ore were milled which netted very good returns. The property is so situated that it can be operated all the year round, and the ore is of a free milling nature, and the owners expect to thoroughly develop the mine and in the near future build a mill.

Here in the basin is located the twenty-stamp mill of the Nowell Gold Mining Company which is kept at work on ores from the Ground Hog and other claims, owned or leased, and located in the upper basin, the rock being trammed one and

one-half miles by surface and aerial tramways. Close to the mill are the aprons and saving plates at the end of the flume and tunnel from the placers operated by this company. These placers lie in the basin proper and have been worked a number of years with gratifying results and a large amount of excellent ground yet remains untouched. The tunnel is lined with block riffles and the placer debris is carried through it by the hydraulic wash. A surface tram from the lower station of the wire tram from the Ground Hog is also laid through this tunnel and over this is trammed all the ore from the several claims to the mill. The plant includes a dynamo which lights the workings, and a telephone connects the whole with the main office in Juneau.

In the basin proper are located many valuable producing claims, the principal of which constitute the Campbell group, on which a thirty-stamp mill is kept running during the season, and the Aurora claim, which last season was leased and operated by the Nowell company.

The lode is located continuously, from two to three claims in width, for a distance of over six miles through Silver Bow basin and over the range into Sheep Creek basin to the Silver Queen with almost continuous surface croppings the entire distance. Following still further east along the belt where the lode leaves the valley and climbs the mountain side, the veins again crop to the surface, and locations are strung out from this point over another high range and through valleys and over ridges to Takou inlet, a distance of fully eight miles. On this end are the Star of Bethlehem, Last Chance, Sheridan, Little Queen and other locations which show some very rich gray copper ores.

SHEEP CREEK BASIN.

Here the character of the ores differs greatly from those of Silver Bow basin in that silver predominates though the gold values also increase. The principal claims here are the Glacier and Silver Queen, both of which are extensively developed and produce ore of a very fine grade. The Nowell company is the operating owner of both mines, and the superintendency lies with Mr. F. C. Hammond, whose efficient and energetic management has brought the workings at both mine and mill to a condition approaching perfection.

Aerial trams extend from both the Glacier and Silver Queen to large ore bins at the foot of the mountain from whence the ore is conveyed to the fifteen-stamp mill, a mile distant, over a steam railway. The mill is run on second class rock only, a very large percentage of the ore taken from either claim being shipped direct to the smelters on Puget Sound, and the milling done is little more than simple concentration, as there is but little free gold in the ores. An extensive canvas plant, the only one in operation in Alasaka, profitably supplements the work of the vanners. On the beach, two miles below the mill, the company owns a large wharf and warehouse where all supplies are landed.

Sheep Creek basin has many other very promising claims, from several of which ore shipments have been made for a number of years; there is little doubt of its development into one of the leading quartz camps of Alaska.

SHUCK BAY.

This locality has produced large amounts in placer gold in past years though now its lodes are attracting considerable attention. Of these the Redwing group is most advanced in development, located in Schuck basin.

The ore is of a free milling nature, carrying iron, zinc blend galena, a trace of copper in combination with the gold, and a small percentage of silver. This property is situated half a mile from salt water at a very low altitude and possesses in connection fine water power.

Assays and shipments made from the ore from time to time go to show that it is a very promising property.

SITKA DISTRICT.

While the first auriferous quartz discovered in Alaska was found near Sitka, mining operations have never been vigorously prosecuted there. During the past season some interest has been manifested and a number of groups have been bonded to parties who propose operations next spring. A five-stamp mill represents the total of the actual mining plant in the district though some of the claims promise well.

THE SUM DUM DISTRICT.

The richness of the surface prospects in this district, fifty

miles south of Juneau, has inspired the gold seeker with great hopes for the future of the many claims located in the locality and the promise has been fulfilled in every instance where development has been made. Most conspicuously is this true in the case of the Bald Eagle mine, which, a mere prospect three years since, has become one of the richest and best paying properties on the Pacific Coast. The ores carry no free gold, the values lying entirely in the sulphurets, these being principally pyrites though both zinc and lead sulphurets are present in considerable quantities, the octagonal sulphuret predominating, this being the richest of all classes wherever found. A crusher at the mouth of the adit discharges its product into a flume which conveys it to the mill nearly a mile distant at a nominal cost for handling and its richness may be estimated by the fact that the four stamps in four days less than six months produced concentrates valued at a round $100,000, or nearly $17,000 per month; the clean-up for a similar period in 1895, the first year of operations, was $87,000; the average value of all ore mined is $30 per ton. To attain depth on the mine and to get out of the canyon in which the vein is located, a tunnel 1,650 feet in length is now being run, over 1,000 feet now being completed, which will tap the ledge 347 feet below the present workings.

Many other valuable properties lie in this section, some of them being developed extensively. Among these the Sum Dum Chief takes high rank and negotiations are in progress for its purchase by capitalists who will erect a plant next spring.

NORTON SOUND.

On the shore of Norton Sound, latitude 65 deg. N., high above the mouth of the Yukon River, another 10 stamp mill is at work, which is the most northern milling operations in the world. It is called the Umalak mine and is owned and operated by J. G. Green. Mr. Green secured possession of this mine in 1881, and has since spent $100,000 developing it and from its ore he gets 143 ounces in silver to the ton. It is one of the best paying properties in Alaska.

UNGA ISLAND.

On this island, lying to the south of Alaska peninsula, the

Alaska Commercial Company operates a forty-stamp mill on its Opollo Consolidated properties, on ore which is notable in two respects; it contains a large amount of free gold in an unusually fine state of division, so that at first sight rich quartz looks as if it had a yellow stain running through it like oxide of iron. Kidneys of this quartz with fine free gold give the value to the mine. The other notable feature is in this, that it contains a considerable amount of native copper, which is a very rare accompaniment of gold. Only one case of the kind has been reported in America, and that was in Virginia some fifty years ago. The Apollo Consolidated is turning out several hundred thousand a year.

BERNERS BAY DISTRICT.

The great mineral belt which extends along the Alaskan coast just back from the water's edge and which has never failed to pay the careful prospector wherever he has prosecuted his search, has of course its spots of unusual richness. At Berners Bay, forty miles north of Juneau, on Lynn canal, there was discovered some years ago ore of splendid promise. Little was done with the several prospects, however, until the attention of Thomas S. Nowell was called to them. Heavily interested in other Alaska mining properties, and with a faith in the country which results have amply justified, Mr. Nowell organized the Berners Bay Mining and Milling Company and set about the development of the various claims acquired by him in this rich section. The splendid plant and the astonishing amount of development upon this group of mines—claims no longer—speaks volumes for his untiring energy and unbounded confidence in their richness. From tidewater on Lynn canal, where ample wharfage facilities have been made, a narrow gauge railway winds up the canyon to the mill site, two and three-quarters miles overcoming in that distance an elevation of 800 feet, a feat requiring no mean engineering ability. The plant here is complete; the buildings include all necessary offices, boarding houses and others additional to the actual housing of the machinery and a perfectly appointed hospital under the supervision of a resident surgeon. The power is derived from a Pelton wheel driven by water brought through two lines of pipe discharging against the buckets simultaneously at a pressure of 300 and 400 feet respectively, furnishing power suf-

ficient to drive 1,000 stamps. The length of water pipe and flumes aggregate 13,000 feet. In the event of a water shortage through frost or other contingency, a 300-horse power Union Corliss engine is ready to supply power. Distant from the mill 1,700 feet and 800 feet above it are the Bear workings, from which a surface gravity tram with two two-and-one-half-ton cars, and a capacity of 25 tons per hour, brings the ore from both the Bear and Northern Belle workings, the latter being connected with bins at the Bear workings by a gravity wire tram 3,100 feet in length, having a single span of 2,700 feet, its capacity being ten tons per hour. The altitude of the Northern Belle is 2,000 feet above the mill, or 1,200 above the Bear. The ore from the Bear carries an average of $4 per ton in free gold, with one per cent of sulphurets; the Northern Belle rock averages $13 in free gold, with one per cent of sulphurets. A tunnel from the Bear workings will be run to cross-cut the Northern Belle ledge at a depth of many hundreds of feet below the present workings. But of the fifty-one claims owned in this place by the Berners Bay Company the Comet has been most thoroughly developed. This location is reached from the mill by a Bleichert tramway, 4,400 feet to the lower cross-cut, and extending a further 2,200 feet to the upper workings, which latter are made the subject of illustration elsewhere. The upper workings comprise 3,000 feet of tunnels and a shaft of 700 feet, and the ledge is reached on the lower level through a tunnel of 1,875 feet from which an upraise will be cut 500 feet to connect with the upper levels. The Comet workings, thus briefly reviewed, have exposed a surprising amount of rich ore, so rich that it is mauled down on canvas, spread to prevent loss through scattering the rock by powder explosions, and sacked and sealed on the spot where it is taken from the ledge; yet this is but a fraction of the ore of equal grade in sight upon the adjoining and adjacent claims owned by this company, though nothing but surface prospecting has been done upon them. The lower tunnel, tapping the ledge at a depth of 1,000 feet, constitutes the deepest workings in Alaska and is a complete and convincing demonstration of the permanence of Alaskan ledges, calculated to greatly encourage owners who may have felt doubts upon this point which is only now settled forever through the agency of this splendid enterprise. The Comet

workings are thoroughly drained through this lower adit, and are lighted throughout by electricity supplied from a dynamo at the mill. This and its surrounding claims form a magnificent property, practically inexhaustible, amd, moreover, a complete demonstration of the fact that high grade ores are not wanting in Alaska. The total cost of mining, tramming and milling the ores from the several mines operated here by this company has been reduced to less than $3 per ton. The expenditures in equipment and development thus far made very closely approximate a million dollars, and an average of 150 employees are carried upon the company's pay roll. The workings are under the superintendency of Mr. Willis F. Nowell, whose ability is amply attested in the advanced development attained. The general management of this as well as of the other varied and extensive interests of what are known as the Nowell companies is vested in Mr. Fred D. Nowell, both gentlemen being sons of Hon. Thomas S. Nowell, president of the organization and promoter of the vast interests in Alaska, which, but for his industry, would yet lie dormant and even unknown. Mr. E. F. Cassels is the auditor for the companies and is himself interested to a considerable extent in the mines of Alaska.

Early in April, 1896, the original locators of four claims in this district transferred their interests to the Jualin Mining and Milling Company, which then had just organized. The company at once began operations which were pushed during the season, with the result that a ten-stamp mill with all necessary accessory equipment was erected in time to demonstrate, by a run of several weeks, the wisdom of the purchase. The development will continue through the winter, and in the spring extensive additions will be made to the plant. The Jualin company was formed by Ex-United States Commissioner H. W. Mellen, of Juneau, who holds a large interest. Mr. Lewis Taylor, of Evansville, Indiana, is secretary of the company, and its workings are superintended by Mr. C. W. Pearce, who for seven years held a responsible position with the Alaska Mexican Company. The Jualin found its peculiar title through a combination of the initials of the words "Juneau, Alaska, Indiana," and is one of the going, paying mines of Alaska.

The Horrible and Mexican claims, lying near the group just described yet on quite another ledge, have only during the past season reached a stage of development calculated to show their

true value. Even the locators, Mr. Frank Bach and his associates, who had accomplished no small amount of development, had little knowledge of their full richness until after the expert examination which brought about the sale of the properties for the sum of $90,000 to Mr. Louis Nicolai, of Portland, Or., who will during this season erect a ten-stamp mill and the necessary accessories. On these claims the values lie principally in the sulphurets.

Many other claims of excellent promise have been located in this section, and in the aggregate much development has been done upon them, though few have passed out of the hands of the original locators. The district is already known far and near as one of the richest in the northwest, and its future development is assured by its own merits.

ADMIRALTY ISLAND.

This island, one of the Alaskan archipelago, south of Juneau, separated from the mainland coast by a narrow channel, has its belt of mineral in common with its sister, Douglas Island, lying north of it. A number of claims have been located upon its ledges, which vary in character from low to high grade, and in size from mere stringers to immense deposits approaching or even exceeding that of the Treadwell. An example of this is seen in the Ocean View group, still held by the locator, where a tremendous body of mineral lies exposed and requiring little else than quarrying to get it out. At Funter bay, on the west side of the island, a ten-stamp mill has been operated for two seasons on the ores of the Willoughby group, now owned by the Boston and Alaska Gold Mining Company, which has recntly purchased the property and proposes very extensive development next season.

COOK'S INLET.

From the Alaska Mining Record of January 1, 1896.

In the camps on Resurrection and Six Mile Creeks, distant eight miles apart, 69 miners will put in the winter. A large number of them who have claims in that near neighborhood will prepare for early spring work by putting in all their time possible in wing-damming and ditching, and hand-sledding their supplies up to their mines from the beach over the crusted

snow. During the winter George Donaldson will open up two more claims with the intention of working them during summer by running both day and night shifts, these two claims being located on Canyon Creek, two miles above the forks.

The claims operated by Messrs. Heddie, Erickson and Mills paid $20 a day to the man. Two shovels of gravel on the bedrock averaged just an ounce in dust.

On the next claims below a company of seven men from Fresno, California, worked with equal results. This company intends to ship up animals next summer and put on a pack train.

Many other claims were partially opened up with fair clean ups.

The creeks putting into the Arm, on the opposite or northwest side, which head in the mainland, at their mouths all bear fine gold. While the schooner Helen was laying at the mouth of one of the creeks the Captain and a number of his crew ascended one of them for a number of miles back to the foothills and they found coarse gold. When coarse gold is found it is a very reasonable probability that a paying creek has been discovered, and so the miners there think that important discoveries have been made on that side of the Arm as well as upon the other. There are a dozen creeks putting down from that side that have never yet felt the tread of the prospector's foot.

Not one-hundredth part of this country has yet been prospected, and the fact of finding fine gold at the mouth of every stream that puts into the inlet from its three sides is evidence that the gold-bearing section is of vast extent. Then the great advantage the westward has over the interior is its accessibility and the cheap rate at which supplies can be laid down. A prospector can go and return without having to undergo the hardships encountered on the interior trip, and without the outlay of a small fortune in going to and from or the purchase of provisions upon which to exist during a long and idle winter. We have no fear of the scurvy attacking us here, for want of proper food, and no winter starvation will stare us in the face. We can communicate at any time with the outside world. Our washing season is at the least calculation a month longer than on the Yukon, and, too, we have not the frozen ground to contend with, although we have a greater depth of snow and the

same spring raises, probably somewhat greater than in the interior. We, too, have the same myriads of gnats and mosquitoes. We have plenty of game, the moose, bear, fowls and fish.

Mining on Six Mile practically ceased on October 1st, as the creek commenced to freeze on September 27th. Washing commenced in May. During May and June the weather was almost continually clear, and during July, August and September the rainfall was prolonged, with occasional heavy showers.

The principal supply points for the diggings in the Turnagain Arm section are Sunrise City, situated above high tide mark at the mouth of Six Mile Creek, having about thirty buildings. Hope City is at the mouth of Resurrection Creek, and is a town of somewhat lesser importance.

BRITISH COLUMBIA RIVERS.

Of the rivers of British Columbia the principal are the Fraser, the Columbia, the Thompson, the Kootenay, the Skeena, the Stikine, the Liard, and the Peace. The Fraser is the great water course of the province. It rises in the northern part of the Rocky Mountains, runs for about 200 miles in two branches in a westerly direction, and then in one stream runs due south for nearly 400 miles before turning to rush through the gorges of the Coast Range to the Straits of Georgia. Its total length is about 740 miles. On its way it receives the waters of the Thompson, the Chilicoten, the Lillooet, the Nicola, the Harrison, the Pitt, and numerous other streams. For the last 80 miles of its course it flows through a wide alluvial plain, which has mainly been deposited from its own silt. It is navigable for river boats to Yale, a small town 110 miles from the mouth, and again for smaller craft for about 60 miles of its course through the interior, from Quesnelle Mouth to Soda Creek; and larger vessels drawing 20 feet can ascend to New Westminster, situated about 15 miles from the mouth.

The Columbia is a large river rising in the southeastern part of the Province, in the neighborhood of the Rocky Mountains, near the Kootenay Lake. This lake is now traversable by regular steamboat service. The Columbia runs north beyond the 52d degree of latitude, when it takes a sudden turn and runs

due south into the State of Washington. It is this loop made by the abrupt turn of the river that is known as the "Big Bend of the Columbia." The Kootenay waters fall into the returning branch of this loop some distance south of the main line of the railway. The Columbia drains a total area of 195,000 square miles.

The Peace River rises some distance north of the north bend of the Fraser, and flows eastwardly through the Rocky Mountains, draining the plains on the other side. It more properly belongs to the district east of the mountains that bears its name. In the far north are the Skeena and Stikine Rivers flowing into the Pacific, the latter being in the country of valuable gold mining operations.

The Thompson River has two branches, known as the North Thompson and the South Thompson, the former rising in small lakes in the Cariboo district, and the other in the Shuswap Lakes in the Yale district. They join at Kamloops and flow east out of Kamloops Lake into the Fraser river at Lytton.

MINERALS OF BRITISH COLUMBIA.

It would be difficult to indicate any defined section of British Columbia in which gold or silver has not been, or will not be found. The first mines discovered were on the Thompson river; then on the Fraser and Hope, and continued up the Fraser to the Cariboo district.

Gold has been found on the eastern side of the Rocky Mountains, on Queen Charlotte Islands at the extreme west, and on every range of mountains that intervenes between these two extreme points. Until recently the work has been practically placer mining, a mere scratching of the surface, yet over fifty millions of dollars have been scraped out of the rivers and creeks. Bars have been washed out and abandoned, without sufficient effort being made to discover the quartz vein from which the streams received their gold. Abandoned diggings have been visited after a lapse of years, and new discoveries have been made in the neighborhood.

The railway now pierces the auriferous ranges; men and material can be carried into the heart of the mountains, and with each succeeding season fresh gold deposits are found, or

the old ones traced to the quartz rock, and capital and adequate machinery brought to bear upon them. In no section is this more strongly demonstrated than in the famed Cariboo region, where during the past three years hydraulic mining has been commenced on a large scale, and improved plant to the value of over half a million dollars introduced. During the past year, a grand total of forty-three miles of ditch flume and pipe have either been constructed or put in working order. Already the results have been most satisfactory, and there is every indication of a yield of the precious metal that will astonish the world and revolutionize mining in northern British Columbia, which had hitherto been conducted in a somewhat crude fashion. The recognized and greatest authority on mineralogy in Canada, Dr. G. M. Dawson, F. R. G. S., who for fifteen years was engaged in exploring British Columbia, says: "The explorations of the Geological Survey of Canada have already resulted in placing on record the occurrence of rich ores of gold and silver in various places scatterd along the entire length of the Cordilleran (Rocky Mountain) region in Canada. * * * Because a mountainous country, and till of late a very remote one, the development of the resources of British Columbia has heretofore been slow, but the preliminary difficulties having been overcome, it is now, there is every reason to believe, on the verge of an era of prosperity and expansion of which it is yet difficult to foresee the amount or the end. * * * Everything which has been ascertained of the geological character of the Province, as a whole, tends to the belief that so soon as means of travel and transport shall be extended to what are still the more inaccessible districts these also will be discovered to be equally rich in minerals, particularly in precious metals, gold and silver."

The total output of gold since its first discovery in British Columbia, even before new mineral districts were opened up by the Canadian Pacific Railway, was estimated at $60,000,000. It is now far in excess of this.

Silver has been discovered in several places, and its further discovery will probably show that it follows the same rules as in Nevada and Colorado. The best known argentiferous locality is the West Kootenay, from whose mines it is estimated between $2,000,000 and $3,000,000 in ore were shipped within the past year. Railroads in this section are opening up

the country and several new smelters have been erected and are in operation, smelting the ore in close proximity to the mines. There can be no doubt that the output will be largely on the increase as development work shows more ore in sight every day.

Great iron deposits exist on Texada Island, and copper deposits have been found at several points on the coast of the mainland, Howe Sound, Jarvis Inlet, the Queen Charlotte Islands and other points. Cinnabar and platinum have been found in small quantities during the process of washing gold.

A ledge of cinnabar, found on Kamloops Lake, is operated by the Cinnabar Mining Co. The true vein is reported as being fourteen inches thick, and there appears to be a large scattered quantity besides. Assays give a high percentage of mercury, and the mine, which is now being actively worked, is pronounced to be a very valuable one.

In Alberni District on the west coast of Vancouver Island a considerable amount of work is in progress. Numerous quartz veins have been discovered and are being opened up; a mill run from one of these claims gave a yield of $30 per ton. In the same district two hydraulic claims have commenced work on China Creek with every prospect of success.

Bituminous coal has been extensively worked for many years past at Nanaimo, on Vancouver Island, at which place there are large deposits, and indications of coal have been found at several other places on that island.

Several seams of bituminous coal have been discovered on the mainland and the New Westminister and Nicola districts, and other indications of coal have been found in many parts. The same formation exists on the mainland as on the island, and the New Westminister and Nicola coal beds are probably small portions only of a large area.

A most phenomenal discovery of coal has been made in the Crow's Nest Pass of the Rocky Mountains. Here no fewer than twenty seams are seen to outcrop, with a total thickness of from 132 feet to 448 feet.

Anthracite coal is now being extensively mined at "Anthracite," on the line of the Canadian Pacific Railway, just outside British Columbia, and some comparing favorably with that of Pennsylvania has been found in seams of six feet and three feet in Queen Charlotte Island. Fragments of anthracite have

been picked up on several parts of Vancouver Island, and this would seem to indicate that the seams found in Queen Charlotte Island will be traced to Vancouver.

CARIBOO DISTRICT.

Cariboo District lies between Cassiar on the west and the Canadian Northwest on the east, the southern boundary being the 52d parallel. The famed Cariboo mines, from which fifty millions of dollars of gold have been taken, are in this district. This is still a promising field for the miner, the immense output of the placer diggings being the result of explorations and operations necessarily confined to the surface, the enormous cost and almost insuperable difficulties of transporting heavy machinery necessitating the employment of the most primitive appliances in mining. These obstacles to the full development of the marvelously rich gold fields of Cariboo have been largely overcome by the construction of the Canadian Pacific, and the improvement of the great highway from that railway to northern British Columbia, with the result that the work of development has recently been vigorously and extensively prosecuted. During the past few years several costly hydraulic plants have been introduced by different wealthy mining companies which are now operating well-known claims with the most gratifying results, and there is every prospect of a second golden harvest which in its immensity and value will completely overshadow that which made Cariboo famous thirty years ago. Among the numerous Cariboo enterprises are the Horsefly Hydraulic Mining Company, with a capital of $250,000, working a series of claims which are located in the drift gravels on the western bank of the Horsefly, a tributary of the Upper Fraser River, near Quesnelle Lake, two hundred miles from Ashcroft; the Cariboo Hydraulic Mining Company, with a capital of $500,000, actively prosecuting work on its claim on the south fork of the Quesnelle River, on extensive ground exceptionally rich in gold deposits, the company, for its hydraulic purposes, conveying water by seventeen miles of ditching, which supplies a capacity of 3,000 miner's inches over a course of two feet deep, with a top width of eleven feet, and a bottom of seven, feeding four hydraulic "giants," or monitors, carrying a three hundred feet

head of hydraulic pressure that will easily disintegrate gravelly conglomerate wherein the gold of the mine is contained, and the Montreal Hydraulic Gold Mining Company, which is developing its claims rapidly and with excellent results. At Slough Creek, Willow River, Antler, Cunningham, Big Valley, and other creeks, and at Barkerville on the richest of all known creeks in the world, from which $25,000,000 was taken in two miles distance in early days (and now being at enormous expense opened up to work by the Cariboo Gold Fields Company, with a hydraulic elevator).

THE MINERAL WEALTH OF BRITISH COLUMBIA.

A paper read before the Royal Colonial Institute, March 14th, 1893, by Dr. G. M. Dawson, C. M. G., F. R. S.

For fifteen years or more I have been engaged in the exploration and geological examination of British Columbia in connection with the Geological Survey of Canada, and have thus enjoyed the opportunity of traversing and inspecting a large part of this province of Canada. The information gained has been embodied in a series of official reports, published from year to year, and it is only because it may be assumed that such reports are seldom read that I can venture to hope that what I have to say may possess some interest or novelty at the present time.

Less than one hundred years ago, the region now named British Columbia was wholly unknown. At about that time its coast began to be explored in some detail by Cook, Vancouver, and other navigators, and soon after, this coast became the resort of a certain number of trading vessels in search of furs; but none of these adventurers acquired any knowledge of the interior of the country. Almost simultaneously, however, the explorers and traders of the Northwest and Hudson's Bay Companies, pushing on and extending their operations from point to point in the interior of the North American Continent, began to enter the hitherto mysterious region of the Rocky Mountain from its inland side. Mackenzie was the first to reach the Pacific, and following him came Fraser, Thompson, Campbell, and others, all Scotchmen in the service of these trading companies, till by degrees several trading posts were established, and "New

Caledonia," as the whole region was then named, came to be recognized as an important "fur country."

This era of discovery, with its results, constitutes the first chapter in the known history of British Columbia. It is replete with the achievements and adventures of these pioneers of commerce, who with their limited resources, and without knowing that they had achieved fame—often without even placing their journeys on record—extended the operations of their companies across a continent. But this chapter, though full of interest, is not that with which we are at present concerned. It must suffice to say that what is now British Columbia remained a "fur country," and that alone, for many years. The existence of coal upon its coast was recognized by Dr. Tolmie, an officer of the Hudson's Bay Company, as early as 1835; but though small quantities of coal were actually obtained from natural outcrops from time to time, for the use of blacksmiths at the company's posts, no importance appears to have been attached to the discovery. The world was at that time very spacious, and the Pacific Ocean was still regarded rather as a field for the exploration of navigators than as a highway of commerce between America and Asia.

In 1849 gold was discovered in California, and with the resulting influx of miners, the seizure of that Mexican province by the United States, justified, if justifiable at all, by its subsequent development, all are familiar. Two years later, a discovery of gold occurred on the Queen Charlotte Islands, now forming part of British Columbia. This constitutes an interesting episode by itself, but, though some attention was drawn to it for a time, no substantial results followed, and no alteration in the condition of the country as a whole was brought about. The meaning and the worth of this particular discovery yet remain to be determined.

In 1857, however, four or five French Canadians and half-breeds, employees of the ubiquitous Hudson's Bay Company, found gold on the banks of the Thompson, a tributary of the Fraser River, and their discovery becoming known, changed the whole fortunes of the country. California was at this time filled with gold miners, and it required only the rumor of a new discovery of gold to create a new "excitement." In the following year, it is estimated that within three months over 20,000 people arrived at the remote trading post which then

stood upon the present site of the city of Victoria, while many more made their way overland to the new El Dorado.

The difficulties in the way of these fortune hunters were great. The country was without roads or other means of communications, save such rough trails and tracks as had served the purpose of the natives and those of the fur traders. The Indians, if not openly hostile, were treacherous, and not a few of the men who actually reached the Fraser Canyons were never again heard of.

The Fraser and Thompson were at this time the objective points, and much of the lengths of these rivers were impracticable torrents. It is not, therefore, surprising that by far the larger part of those engaged in this sudden migration returned disappointed, many without ever reaching their destination. Some, however, persevered, several thousand miners actually got to work on the auriferous bars of the Fraser, and a new state of affairs was thus fairly inaugurated.

To follow the rapid progress of these miners along the Fraser and Thompson with their tributaries, would be full of interest, though the records of their work now existing are scanty, but this again would lead us too far afield. The gold found on the lower reaches of the Fraser was what is known to miners as "fine" gold, or gold in very small scales or dust, minutely divided. Further up "coarser" gold was obtained, and the miners very naturally jumped to the conclusion that somewhere still further up the great stream, the source of all the gold should be found. Thus, with restless energy, they pushed on till before long the Cariboo country, some four hundred miles from sea, was reached; and here the richest deposits of alluvial or "placer" gold were found, and for a number of years continued to be worked, with results which, considering the comparatively small number of men engaged, were most remarkable.

Later and more thorough investigations show that the theory so readily adopted by the miners was incorrect; that there is no regular gradation in amount or "coarseness" of gold from the lower part of the Fraser to the head waters in Cariboo, but that the gold found on the bars of the river is of more local origin. Still the theory referred to, as a matter of fact, led the miners to Cariboo, which proved not only to be the richest district so far discovered in British Columbia, but for its area one of the richest placer mining districts ever found.

In this district the valleys of two streams, Lightning and Williams Creeks, have been the most remunerative, and these and their tributaries have actually yielded the greater part of the gold obtained. The work was begun by the washing of the gravels of the streams themselves, but with the experience already in California and in Australia, the miners soon began to search deeper. The valleys through which these streams flowed were found to be filled to a considerable depth by loose material, gravel and boulder-clay due to the glacial period or to inwash from the sides of the bordering mountain ranges; and in sinking beneath all this material, the channels of older streams, the predecessors of the present, were found, with their rocky beds smoothed and worn and filled with rounded boulders and gravel. These contained vastly richer deposits of gold, because they represented the concentrated accumulations of great periods of continued work by natural forces of denudation and river action.

This discovery, once made, led to the initiation of more extended mining operations, which often necessitated large expense in labor and the construction of heavy pumping machinery; but the results as a rule repaid the enterprising miners. Thus the old, deeply buried channel of Lightning Creek was found to average something like $200 in gold to each running foot of its length, while considerable lengths of Williams Creek yielded as much as $1,000 to the same unit of measurement.

Williams Creek affords some notable instances of the extraordinary concentration of "coarse" gold in limited areas:—Thus, from Steele's claim, 80x25 feet, over $100,000 worth of gold was obtained. From the Diller Company's claim, it is stated that in one day two hundred pounds weight of gold, valued at $38,400, was raised; and in 1863, twenty claims were producing from seventy to four hundred ounces of gold per diem. Four hundred miners were at work on Williams Creek in this year, which is still admiringly spoken of as the "golden year."

Though, like Williams Creek, discovered in 1861, the deep channel of Lightning Creek was not successfully reached till 1870, but great developments followed. The Butcher claim at one time yielded three hundred and fifty ounces of gold a day; the Aurora, three hundred to six hundred ounces; and the Caledonia, three hundred ounces.

It must be remembered that the Cariboo mining district is situated in a high and densely forested mountainous region, which because of its inaccessible character, had remained almost unknown even to the wandering native hunters. At the time in which these great discoveries in it occurred, it was reached only with extreme difficulty by trails or imperfect tracks, over mountains and across unbridged rivers. Every article required by the miner was obtained at an excessive cost; but all these drawbacks did not prevent the rapid growth of typical mining camps in the center of this remote wilderness, with their accompanying lavish expenditure and costly if rude pleasures. So long as the golden stream continued to flow in undiminished volume, everything that gold alone could buy was to be obtained in Cariboo.

Perhaps more worthy of note is the fact that the development of these mines was carried out entirely by the miners themselves. No outside capital or backing was asked for or obtained. Money made in one venture was freely and at once embarked in another, and the investors were to be found working with pick and shovel in the shaft or drift.

But the lengths of the rich old channels on both these famous creeks which could be worked in this way proved to be limited to a few miles. Below a certain point in each case, the "bed-rock" was found to be at so great a depth that it was not possible to reach it through the loose and water-saturated materials filling the old valley. Thus the great yield of gold became gradually reduced to comparatively modest proportions, and, at the present time, mining in the Cariboo district is mainly confined to hydraulic workings, by which poorer ground is utilized and a much larger quantity of material requires to be removed to obtain a given amount of gold. But the old valleys of Cariboo have never ceased to produce gold, and in 1892 their product still amounted in value to about $200,000.

It has been impossible to follow the fortunes of the Cariboo mining district in any detail, and time can only be afforded to name the other placer mining districts of the province. The Omineca district was discovered soon after Cariboo, but little was done there until 1867. This district is situated in latitude fifty-six degrees, in the drainage basin of the Peace River, and though so remote, has produced a considerable quantity of gold. Still further to the north, in latitude fifty-eight degrees, is the

Cassiar district, first found to be auriferous in 1872, for some years thereafter resorted to by many miners, and still a mining center not without importance. This is the northernmost mining region of British Columbia proper, but beyond the sixtieth parallel (forming the northern boundary of the province) alluvial gold mining has of late years been developed in the Yukon district, embracing the numerous upper tributaries of that great river, and extending to the borders of the United States territory of Alaska.

Neither must it be forgotten to note, that the working of alluvial gold deposit of greater or less importance has occurred at many places in the southern part of the province, to the east of Fraser River, including Big Bend, Similkameen, and Kootenay districts, from all of which some gold still continues to be produced by the old methods.

The story of the discovery and development, the palmy days and the gradual decline in importance of any one of these mining regions, rightly told and in sufficient detail, would constitute in itself a subject of interest. But without attempting to do more than name the districts here, it is of importance to note how general, throughout the whole extent of the great area of British Columbia, the occurrence of deposits of alluvial gold has proved to be. The gold thus found in the gravels and river beds is merely that collected in those places by natural processes of waste, acting on the rocks, and in the concentration of their heavy materials during the long course of time. The gold has been collected in these places by the untiring action of the streams and rivers, and it must in all cases be accepted as an indication of the gold-bearing veins which traverse the rocky substructure of the country, and which await merely the necessary skill and capital to yield to the miner still more abundantly.

Nevertheless, the results of alluvial or placer gold mining alone in British Columbia have not been insignificant, for, since the early years of the discovery, the province has contributed gold to the value of some $50,000,000 to the world.

One feature in particular requires special mention, and this is a deduction which depends not alone on experience in British Columbia, but which is based as well on that resulting from the study and examination of other regions. The "heavy," or "coarse" gold, meaning by these miners' terms the gold which

occurs in pellets or nuggets of some size, never travels far from its place of origin. It is from this point of view that it becomes important to note and record the localities in which rich alluvial deposits have been found, even when the working of these has been abandoned by the placer miner. Their existence points to that of neighboring deposits in the rock itself, which may confidently be looked for, and which are likely to constitute a greater and more permanent source of wealth than that afforded by their derived gold.

Reverting for a moment to the Cariboo district, where such notably rich deposits of alluvial gold have been found within a limited area, and where, very often, the gold obtained has been actually mingled with the quartz of the parent veins, it can not be doubted that these veins will before long be drawn upon to produce a second golden harvest. This district has suffered and still suffers from its great distance from efficient means of communication; but, notwithstanding this, praiseworthy efforts have already been made towards the development of "quartz mining," while much also remains to be done in utilizing by operations on a larger scale, and with better appliances, the less accessible deposits which have so far baffled the efforts of the local miner.

It is necessary to bear in mind that alluvial gold mining or placer mining requires but a minimum amount of knowledge on the part of the miner, though it may call for much individual enterprise and effort when a new and difficult region is to be entered. Any man of ordinary intelligence may soon become an expert placer miner. It is, after all, in the main, a poor man's method of mining; and, as a rule, the placer miner lacks the knowledge as well as the capital necessary to enable him to undertake regular mining operations on veins and lodes. However promising the indications may be for such mining, he either does not appreciate them, or passes them over as being beyond his experience or means. He would rather travel hundreds of miles to test a new reported discovery, than spend a summer in endeavoring to trace out a quartz reef, with the uncertain prospect of being able to dispose of it at some later date.

Thus, though the development of placer mining in British Columbia began a new history for that great region, raising it from the status of a "fur country" to that of an independent

colony, and subsequently to that of a province of Canada, there remained a gap to be bridged in order that the province should begin to realize its proper place among the mining regions of the world. It was necessary that railways should be constructed to convey machinery and carry ores, as well as to bring to the metalliferous districts men who would not face the hardships of pioneer travel in the mountains, but who are in a position to embark the necessary capital in promising enterprises.

For a portion of the province the construction of the Canadian Pacific Railway has afforded these facilities, but by far the larger part still awaits railway communication. Had the Canadian Pacific Railway, in accordance with some of the surveys made for it, traversed, for instance, the Cariboo district, there can be no doubt that we should have already been able to note great developments there. This railway has, however, been constructed across the southern portion of the province, and in its vicinity, and concurrently with its progress, new mining interests have begun to grow up, of which something must now be said.

Before turning to these, however, I must ask to be allowed to say a few words respecting the development of the coal mines of British Columbia, which was meanwhile in progress.

The discovery of coal upon the coast, at an early date in the brief history of British Columbia, has already been alluded to. Following this discovery, the Hudson's Bay Company brought out a few coal miners from Scotland, and proceeded to test and open up some of the deposits. Thus, as early as 1853, about 2,000 tons of coal were actually raised at Nanaimo. San Francisco already began to afford a market for this coal, and the amount produced increased from year to year. The principal coal mining district remained, and still remains, at Nanaimo, on Vancouver Island. At the close of the year 1888, about four and a half million tons in all had been produced, and the output has grown annually, till in 1891 over a million tons were raised in one year. California is still the principal place of sale for the coal, which, by reason of its superior quality, practically controls this market, and is held in greater estimation than any other fuel produced on the Pacific slope of North America. The local consumption in the province itself grows annually, and smaller quantities are also exported to the

Hawaiian Islands, and to China, Japan, and other places. In the various ports of the Pacific Ocean the coal from British Columbia comes into competition with coal from Puget Sound, in the State of Washington, which, because of the high protective duty established by the United States, is enabled to achieve a large sale in California notwithstanding its inferior quality. It also has to compete with shipments from Great Britain, brought out practically as ballast, with the coals of Newcastle in New South Wales, with coal from Japan, and in regard to the Pacific ports of the Russian Empire, with coal raised by convict labor at Duai, on Saghalien Island, in the Okotsk Sea.

Though Nanaimo has been from the first the chief point of production of coal, work has been extended within the last few years to the Comox district, also situated on Vancouver Island; while other promising coal-bearing tracts have been in part explored and examined on this island and on the Queen Charlotte Islands.

These particular coal regions, bordering on the Pacific Ocean, have naturally been the first to be employed, but they by no means exhaust the resources of the province in respect to coal. Deposits of good bituminous coal are also known in the inland region, and some of these in the vicinity of the line of railway are now being opened up, while others, still far from any practical means of transport or convenient market, have been discovered, and lie in reserve. One of the most remarkable of these undeveloped fields is that of the Crow's Nest Pass, in the Rocky Mountains, where a large number of superposed beds of exceptional thickness and quality have been defined.

Besides the bituminous coals, there are also in the interior of the province widely extended deposits of lignite coals, of later geological age, which, though inferior as fuels, possess considerable value for local use.

In the Queen Charlotte Islands anthracite coal is found, but has not yet been successfully worked; and in the Rocky Mountains, on the line of the Canadian Pacific Railway, coal of the same kind again occurs, near Banff and Canmore stations. The places last named lie just beyond the eastern borders of British Columbia in the adjacent district of Alberta, but require mention in connection ith the mineral resources of the province.

The coals of British Columbia may, in fact, be said to rep-

resent, in regard to quality and composition, every stage from hard to smokeless fuels, such as anthratite, to lignites and brown coals like those of Saxony and Bohemia. Many features of interest to the geologist might be mentioned in relation to these coal deposits, did time permit, but it must not be forgotten to note one principal fact of this kind—the very recent geological age to which all the coals belong. None of the coals of British Columbia are so old as those worked in Great Britain; they are, in fact, all contained in cretaceous and tertiary rocks.

The very general distribution of coals of various kinds in different parts of the province is of peculiar importance when considered in connection with the building of railways and the mining and smelting of the metalliferous ores. It insures the most favorable conditions for the development of these ores, to some further examination of which we must now return.

It is especially worthy of note that, wherever in the United States the Rocky Mountains or Cordilleran region has been traversed by railways, mining, and paricularly that of the precious metals, has immediately followed. It appears to require only facilities of transport and travel to initiate important mining enterprises in any part of this region. The building of the Canadian Pacific Railway across the southern part of British Columbia, with the construction of other railway lines in the neighboring states, near the frontier of the province, have already begun to bring about the same result in this new region, which, till these railways were completed, had remained almost inaccessible. It had long before been resorted to by a few placer miners in search of alluvial gold, and their efforts were attended with some success. Silver-bearing lead ores were also found to occur there, but under the circumstances existing at the time these actually possessed no economic value. It was impossible to utilize them.

In 1886, some prospectors, still in search of placer gold only, happened to camp in a high mountainous region which has since become familiarly known as Toad Mountain, and one of them, in seeking for lost horses, stumbled on an outcrop of ore, of which he brought back a specimen. This specimen was afterwards submitted to assay, and the results were such that the prospectors returned and staked out claims on their discovery. The ore, in fact, proved to contain something like

$300 to the ton in silver, with a large percentage of copper and a little gold.

In this manner what is now known as the "Silver King" mine was discovered, and, as a consequence of its discovery, the entire Kootanie district, in which it is situated, began to be overrun with prospectors. Hundreds of these men, with experience gained in the neighboring states of Montana and Idaho, as well as others from different parts of the world, turned their attention to Kootanie. The result has been that within about five years a very great number of metalliferous deposits, chiefly silver ores, have been discovered, and claims taken out upon them. Several growing mining centers and little towns have been established; roads, trails, and bridges have been made, steamers have been placed on the Kootanie Lake and on the Upper Columbia River, and a short line of railway has been built between the lake and river to connect their navigable waters. The immediate center of interest in regard to mining development in British Columbia has, in fact, for the time being, been almost entirely changed from the principal old placer mining districts to the new discoveries of silver-bearing veins.

So far as they have yet been examined or opened up, the metalliferous deposits of the Kootanie district give every evidence of exceptional value. They consist chiefly of argentiferous galena, holding silver to the value of from $40 to $50 to several hundred dollars to the ton. Nelson, Hot Springs, Casloslocan, Illecillewaet, and Golden are at present the principal recognized centers in the new district, but it would be rash as yet to attempt to indicate its ultimate limits.

Though much has already been done in the Kootanie district, two principal causes have tended to prevent the more rapid growth of substantial mining up to the present time. The first of these is the difficulty still existing in respect to the local transport of large quantities of ores; the second, the exaggerated values placed by discoverers upon their claims. While it is evidently just that the prospector should receive an ample remuneration for his find, it is to be noted that the laws of British Columbia are so liberal that he (whatever his nationality) may, at a cost scarcely more than nominal, hold and establish his claim, even though he may be practically without means of developing it. Such development in all cases re-

quires the expenditure of considerable sums, and this must always be of a more or less speculative character, while, even if thus fully proved, it becomes further necessary to incur an additional large expenditure in plant and machinery before any property reaches the status of a going concern. Scarcely an instance can be quoted anywhere of a mine which has paid its own way from the "grass" down, but almost every prospector is fully convinced that his claim is precisely of this kind.

I have been unable to say anything in detail in regard to the actual modes of occurrence of the ores now being brought to light in the Kootanie district and their geological relations. Neither is it practicable, on the present occasion, to pursue in further detail the history or description of other districts of the province in which more or less good work of a preliminary kind has been done in the development of metalliferous deposits of various kinds. Okanagan, Rock Creek, Nicola, Similkameen, the North Thompson, and Cayoosh Creek can only be named. It has been possible merely to endeavor to indicate in broad lines what has already been done and what must soon follow. Within a few years this province of Canada will undoubtedly hold an important place in the list of quotations of mining stocks in London and elsewhere, and then the further development of its mines will become a subject of common interest from day to day.

In conclusion, I wish to draw attention to one or two ruling features of the actual situation which are too important to be left without mention:—

The Cordilleran belt, or Rocky Mountain region of North America, forming the wide western rim of the continent, has, whenever it has been adequately examined, proved to be rich in the precious metals as well as in other ores. This has been the case in Mexico and in the western states of the American Union. Though some parts of this ore-bearing region are undoubtedly richer than others, generally speaking it is throughout a metalliferous country. The mining of placer or alluvial gold deposits has in most cases occurred in advance of railway construction; but this industry has always proved to be more or less transitory in its character, and has almost invariably been an indication of future and more permanent developments of a different kind. Placer gold mining has, in fact, often been continued for years and then abandoned, long before the gold

and silver bearing veins in the same tract of country have been discovered and opened up. This latter and more permanent phase of mining has followed the construction of railways and roads, and the series of conditions thus outlined are repeating themselves in British Columbia to-day.

There is no reason whatever to believe that the particular portions of British Columbia now for the first time opened to mining by means of the Canadian Pacific Railway, are richer in ores than other parts of the province. On the contrary, what has already been said of the Cariboo district affords prima facie evidence of an opposite character. The province of British Columbia alone, from southeast to northwest, includes a length of over 800 miles of the Cordilleran region; and, adding to this the further extension of the same region comprised within the boundaries of the Dominion of Canada as a whole, its entire length in Canada is between 1,200 and 1,300 miles. This is almost identical with the whole length of the same region contained within the United States, from the southern boundary with Mexico to the northern with Canada.

Circumstances have favored the development of the mines of the Western States of the Union, but it is, as nearly as may be, certain, that the northern half of the similar region will eventually prove equal in richness to the southern, and that when the mines of these Western States may have passed their zenith of productiveness, those of the north will be still increasing in this respect. The explorations of the Geological Survey of Canada have already resulted in placing on record the occurrence of rich ores of gold and silver in various places scattered along the entire length of the Cordilleran region in Canada, and though so far we have to chronicle only an awakening of interest in the southern part of British Columbia, these discoveries stand as indications and incentives to further enterprise to the north.

While the remote and impracticable character of much of this northern country places certain obstacles in the way of its development, on the other hand the local abundance of timber and water power in it afford facilities unknown in the south, which will be of importance whenever mining operations have actually been set on foot.

No attempt has been made in this brief sketch of the mineral wealth of British Columbia to enumerate the various ores and

minerals which have so far been found within the limits of the province in any systematic manner. Nothing has been said of the large deposits of iron, from some of which a certain amount of ore has already been produced, and which wait to realize their true importance, merely the circumstances which would render their working on a large scale remunerative. Copper ores have also been discovered in many places. Mercury, in the form of cinnabar, promises to be of value in the near future, and iron pyrites, plumbago, mica, asbestos, and other useful minerals are also known to occur. In late years platinum has been obtained in alluvial mines in British Columbia in such considerable quantity as to exceed the product of this metal from any other part of North America.

While, therefore, the more important products of this western mountain region of Canada are, and seem likely to be, gold, silver, and coal, its known minerals are already so varied that, as it becomes more fully explored, it seems probable that few minerals or ores of value will be found altogether wanting.

Respecting the immediate future of mining, which is the point to which attention is particularly called at the present time, it may be stated that coal mining rests already on a substantial basis of continued and increasing prosperity; while the work now actually in progress, particularly in the southern part of the province, appears to indicate that, following the large output of placer gold, and exceeding this in amount and in permanence, will be the development of silver mines, with lead and copper as accessory products. The developments of these mining industries will undoubtedly be followed by that of auriferous quartz reefs, in various parts of the province, while all these mining enterprises must react upon and stimulate agriculture and trade in their various branches.

Because a mountainous country, and till of late a very remote one, the development of the resources of British Columbia has heretofore been slow, but the preliminary difficulties having been overcome, it is now, there is every reason to believe, on the verge of an era of prosperity and expansion of which it is yet difficult to foresee the amount or the end.

MINING INFORMATION.

The Mining and Scientific Press tells editorially how a tenderfoot should hunt for gold.

The first thing that an inexperienced miner going to the Yukon should do is to visit the State Mining Bureau museum and acquire as far as possible an acquaintance with the appearance of the commoner varieties of the rocks. He should so familiarize himself as to be able to recognize granite, sandstone, limestone, slate, serpentine, schist, diorite, diabase, talc, trap, dolerite, dolomite and porphyry. It is not anticipated that he could become infallible in recognizing these rocks, but he should be able to successfully recognize them in the majority of instances. The ability to recognize gold, mica, pyrite, chalcopyrite and galena is also advantageous.

On the ground, and presuming all the possible ground of the Klondyke placers already appropriated, the attention of the miner should be first given to unproven possible ground in the valleys of streams adjacent to those in which gold has already been found, and to the valleys of streams which head in the same hills or mountains as do these known gold-bearing streams. It is possible for the lode system which has enriched one stream to have been cut by the drainage basin of another, so that it has enriched them as well. In the Yukon, as elsewhere, the mountain uplifts have resulted in forming fissured and fractured zones in the rocks which have filled with the gold ores. These, if on one side of a mountain, are apt to be duplicated on the other, and, though neither can be seen, both can be inferred from the discovery of gold on one side of the drainage. It is justified to look for gold on the other side as well.

As an additional guide the gravel rock fragments in the gold-bearing stream should be compared with that being prospected. If the two contain identical rocks, and particularly if they both contain quartz, diorite, diabase or porphyry pebbles, it is worth the chance to extend the prospecting, even if the first efforts disclose no gold. When gold is found in several claims in the same valley the direction of the line of deposit should be noted and the first prospecting should be done in that line as being the most probable one for the placer. The gold produced by the several claims going up stream should be compared both in

total quantity and size of grains. With the data of this comparison it is possible to reason out the locus of the richest ground, and also to know when the lode source of the gold is being approached.

Coarse gold, gold with attached quartz fragments and rough gold all indicate that the source is comparatively close at hand —that a point is being reached beyond which there will be no placer. The Russians, in their mining of the Siberian placers, failed generally to recognize the lode sources of the gold, and in many instances carried their prospecting for placers miles up stream beyond the lodes from which the gold came. There is no reason for American miners making the same mistake. Another indication of nearness to lodes, is the presence of rough fragments of pyrite, chalcopyrite or galena. Even if these last do not lead to gold-bearing lodes, they may lead to valuable lodes of copper or lead.

Generally anything heavy that is found in the mining should be determined. Silver, quicksilver, tin, and nickel ores and platinum are all worth considering, even in Alaska. The possibility of their occurrence should not be lost sight of, the more particular as their discovery is only to be made by following up the stream indications. The covering of snow over the surface for [illegible] months of the year, the covering of moss for the other [illegible] months, precludes the possibility of prospecting by the ordinary surface methods.

Where it is necessary to prospect without the guide of discoveries already made adjacent, almost total dependence must be placed on the character of the pebbles in the gravels uncovered in prospecting. If much quartz be found, even though no gold at first, it is advisable to cover the possible ground for a placer pretty thoroughly before abandoning it finally.

As a general proposition it will prove very advantageous for a dozen or more miners to co-operate in making a systematic exploration of unknown ground. Work can be done cheaper, faster, and surer than by the same men acting independently. Co-operation admits of increasing the tool outfit by a blacksmith shop and drill outfit. Powder can be used and the prospect holes sunk through the frozen ground much faster than by fire.

Prospecting can be spread over a much larger area by co-operation than by the same men each acting for himself. Co-

operating, once the gold lead is found, the whole company are in a position to intelligently secure a valuable claim for each member and to get the claims so connected that they can be economically exploited as one property. It must be remembered that the present cumbersome method of exploitation will soon be replaced by quicker and better ones, admitting of the profitable working of the ground now left unworked, and distinctly advantageous to large claims, compared with small ones.

For practical methods of placer mining see Wm. Oglevie's reports ante page 590.

HOW TO TEST MINERALS.

LEAD.—Take a small quantity of powdered ore, about as much as will remain on the end of a penknife. Mix this with a pinch of carbonate of soda into a paste. Place in the small hole in the charcoal, turn on the flame of the blowpipe, and fuse in the inner flame. A yellow incrustation with a metallic button of lead will result.

ANTIMONY.—Proceed in the same manner as directed for the lead test, using the inner flame. A white incrustation with a brittle button of antimony will be the product.

ZINC.—Take the powdered ore and make a paste with the carbonate of soda. Fuse, cool, and moisten the incrustation with a drop of nitrate of cobalt. Heat with the blowpipe again in the outer flame. If a green color is produced, zinc is present.

COPPER.—Mix a small quantity of the ore and carbonate of soda into a paste and fuse this in the inner flame. Scrape it from the charcoal with a knife, and rub it in a mortar with a little water. Pour this into a tube, and after it has settled pour off the water. If there is copper, red scales will be seen.

ARSENIC.—Heat in the inner flame of the blowpipe any compound of arsenic and it will give off an odor of garlic.

TIN.—Mix a small quantity of the powdered ore with a small quantity of cyanide of potash and water. Fuse on the charcoal. This will reduce the substance to metallic globules of tin.

SILVER.—Make a paste of the ore and soda. Add a small piece of metallic lead; fuse this into a button, and then cool. Make a second paste of bone ash and water mixed to an even

consistency. After it has become dry, place the button of silver and lead on the bone ash and fuse. The lead will volatilize, leaving a silver globule, and if the ore contains gold, a gold and silver button will result. To separate the silver and gold, place the silver and gold bead in a glass test tube; add ten drops of nitric acid; then heat over a spirit lamp until it has dissolved. If there is gold it will appear in the form of a black powder.

MERCURY.—Put a small quantity of the ore and the same quantity of carbonate of soda into a test tube. Heat and it will yield a globule of mercury.

MAGNESIA.—Heat a small quantity of powdered ore on the charcoal and partially cool. Add a drop of nitrate of cobalt to the partly fused mass and heat again. Allow it to cool. A faint rose color indicates the presence of magnesia.

ALUMINUM.—Proceed in the same way as in testing for magnesia. A blue color indicates the presence of aluminum.

LIME.—When pulverized and placed under the flame it glows with a white heat.

BARIUM OR HEAVY SPAR.—Fuse the powdered ore on charcoal with soda. Dissolve in warm water. Add a small quantity of alcohol and set this on fire. The flame will be a yellowish green in color.

SULPHUR.—Make a paste of ore and carbonate of soda and fuse. Moisten a silver coin and place it on the mass while hot. The sulphur will stain the coin black.

BISMUTH.—Make a paste of the powdered ore and carbonate of soda. Fuse on charcoal to a reddish white color. The metal is distinguished from lead by the button being brittle. A yellow oxide on the charcoal will be left.

COLOR FLUX TESTS.—These tests must be made in a clear, open, hot fire, in order that the ore and flux in melting may have a free current of air. Take a clean iron spoon, fill it about half full of borax, and fuse the mass. Remove the spoon from the fire and add the ore powdered. Nickel will give a red glass. Cobalt will give a blue glass. Manganese will give a purple glass.

CHROMIUM.—Take a clean iron spoon. Use equal parts of carbonate of soda and nitrate of soda. The result will be a yellow mass.

OUTFIT NECESSARY FOR THE FOREGOING TESTS.—One blowpipe, one spirit lamp, half dozen glass test tubes, four ounces of carbonate of soda, two ounces of borax, two-ounce bottle of nitric acid, two-ounce bottle of sulphuric acid, two-ounce bottle of muriatic acid, five-ounce bottle of ammonia, six-ounce bottle of alcohol, one ounce of nitrate of cobalt in solution, one ounce of sulpho-cyanate of potash, half ounce yellow prussiate of potash, half ounce red prussiate of potash, one sheet filtering paper.

GOLD.—Powder; roast if sulphurets are present; grind very fine and wash in pan or spoon; examine with lens; yellow particles not soluble in nitric acid. The color of pure gold is bright yellow, tinged with red. Gold may be distinguished from all other metals or alloys by the following simple traits: It is yellow, malleable, not acted on by nitric acid.

SILVER.—Pure silver is the brightest of metals, of a beautiful white color, and rich luster.

CHLORIDE OF SILVER.—If suspected in a pulp, harshly rub a bright and wet copper cartridge thereon. If a chloride or chloride-bromide of silver, it will whiten the copper. Graphite will thus whiten copper or gold, but can be rubbed off.

COPPER.—After roasting pulp, intimately mix and well knead with a like quantity of salt and candle grease, or any other fat, and cast into the fire, when the characteristic colors —first blue, then green—will appear. This copper test is best made at night.

GALENA.—Black zinc-blende is often mistaken for galena. The two may be distinguished by this infallible sign: the powder of galena is black; that of blende, brown or yellow.

MINING TERMS.

Absolute Temperature—Temperature reckoned from —459° Fahr. —273° C.

Adverse—To oppose the granting of a patent to a mining claim.

Aerophone—A respirator in the form of a tank receiving the exhalations from the lungs, which contains chemicals designed to revive the air and render it fit for re-breathing. Used by rescuers after mine accidents.

After-damp—An irrespirable gas remaining after an explosion of fire-damp.

Air-shaft—A shaft for ventilation.

Aliaceous—The odor of garlic; given off by mispickel.

Amalgam — The mechanical combination of quicksilver with gold or silver.

Anemometer—An appliance for measuring the velocity of an air current.

Anorthite—Lime feldspar.

Anticlinal—A fold of the rock or strata, convex upward. The opposite of synclical.

Apex—The top or highest part of a vein.

Arch—A part of the gangue left standing for support.

Arenaceous—Sandy; applied to rocks.

Argentiferous—Silver-bearing.

Argillaceous—Containing clay. The odor of wet clay.

Artesian Wells—Holes bored through solid strata and often overflowing.

Ascension—The theory that the matter filling fissures was introduced below.

Assay—A test of mineral to determine quality or quantity.

Assay Ton—A weight used by assayers containing 29,166 milligrams. As a ton of 2,000 pounds of ore contains 29,166 troy ounces, it follows that each milligram in the assay button equals one ounce of metal to the ton of ore.

Assessment—Percentage levied on the capital stock of a company; annual work required by law on a mining claim.

Attle—Waste rock. (Cornish.)

Auriferous—Gold-bearing.

Azoic—Without life.

Back—The roof of a drift, stope or other working.

Bal—A mine. (Cornish.)

Balance-bob—A heavy triangular truss, the long horizontal arm of which supports a weight at one end ballasted to balance the weight of pump-rods at the other.

Barrier Pillars—Pillars larger than the ordinary, left at stated intervals to prevent the crushing of the roof from extending beyond the section inclosed by them.

Bar Timbering—A system of supporting a tunnel roof by long top bars while the whole lower tunnel-core is taken out, leaving an open space for the masons to run up the arching. Under certain conditions the bars are withdrawn after the masonry is completed, otherwise they are bricked in and not drawn.

Base Bullion—Lead combined with other metals after smelting cast in an ingot.

Base Metals—All metals except gold, silver, mercury and the platinum group, which are termed noble metals.

Battery—Generally applied to a set of five stamps.

Bearing-up Stop—A partition of brattice or plank that serves to conduct air to a face.

Bed—A horizontal seam or deposit of ore.

Bed Rock—Solid rock outcropping at surface or underlying alluvial and other surface formations.

Belt—A range of metal-bearing rocks.

Bench—Used to express the artificial divisions in the process of mining; also a terrace at the outcrop of a seam.

Bitter Spar—Crystal dolomite.

Black-damp—Carbonic acid gas.

Black Jack—Zinc-blende. Zinc sulphide.

Blankets—Blankets, carpets and other fibrous material used for catching precious mineral in a wet process.

Blast—The operation of forcing air by blowing. Rending rock by explosives.

Blende—An ore of zinc, consisting of zinc and sulphur.

Blind Drift—A horizontal passage in a mine not yet connected with other workings.

Blind Lode—A vein without an outcrop.

Blossom Rock—Outcrop of a vein indicating presence of mineral (Gossan), (Iron Hat).

Blow Out—A spreading outcrop.

Blower—A discharge of gas from coal; also a fan for forcing air into a mine.

Bonanza—A large body of paying ore.

Booming—A kind of placer mine where the water is accumulated in a dam and let out at intervals, so as to use its cutting power in the form of a torrent.

Boom Ditch—The ditch from the dam used in booming. (a) A slight channel cut down a declivity into which is let a sudden head of water intended to cut to bed-rock and prospect for the apex on underlying lode.

Borraska—Reverse of bonanza. Out of pay.

Brace—The collar at the mouth of the shaft.

Brattice—A canvas or plank partition, nailed to posts longitudinally, within a level or shaft to divide the same into two compartments for the purpose of separating two air currents.

Break-through—Narrow passage cut through a pillar connecting rooms.

Breast—The heading of a drift, tunnel or other horizontal working.

Breasting Ore—The ore taken from the face or end of a tunnel, drift or stope.

Breccia—A conglomerate of angular fragments.

Brittle Silver—Stepanite. A sulphide of antimony and silver containing 68.5 per cent silver, with the antimony variable. Sometimes contains iron, copper and arsenic; variable in color, hardness and specific gravity.

Broaching—Trimming or strengthening a working.

Buddle—The tub or machine used to wash slimes and separate the gangue from the mineral.

Buddling—Separating gangue from mineral by washing.

Bulling Bar—An iron bar used to pound clay into the crevices crossing a bore hole, which is thus rendered gas-tight.

Bullion—Ingots of gold or silver ready for the mint.

Bunch—A rich pocket of ore.

Buntons—Timbers placed horizontally across a shaft. They serve to brace the wall plates of the shaft lining, and also, by means of planks nailed to them, to form separate compartments for hoisting or ladder-ways.

Bumping-table—A concentrating table with a jolting motion.

Button—The globule of metal, the result of an assay.

Cache—A place where a prospector's provision or outfit is buried or hidden. (French.)

Cage—A mine elevator. The frame to hold the bucket or car.

Calamine—An ore of zinc. Lapis Calaminaris.

Cam—The curved arm which raises the stamp in a mill.

Canon—A narrow valley; termed box canon when the sides are perpendicular. (Spanish) Pronounced canyon.

Cap—A vein is in the "cap" when it is much contracted, or of no value.

Cap Rock—The rock overlying the ore or vein.

Carbonate—Applied to oxides, when carbonic acid is united.

Carbonates—Ore containing a considerable proportion of carbonate of lead, often rich in silver. Soft carbonates have lead for a base. Hard carbonates have iron for a base—an ore of lead and silver.

Casing—The tubing of a well-hole to prevent caving. The sheathing or parting between the wall and vein.

Cement—Gold-bearing gravel united and hardened into a compact mass.

Chaffee Work—A local term for annual labor.

Chain Pillar—An untouched block of mineral on either side of the gangway.

Cheek—The side wall of a vein.

Chimney—The richer parts in lodes as distinguished from poorer ones, when found pipe shape with general perpendicular position.

Chlorider—One who extracts ore from mines by agreement with the owners, paying royalty for the privilege, but has no lease.

Chlorides—A common term applied to ores containing chloride of silver. Compounds of chlorine with other elements.

Choke-damp—Carbonic acid gas.

Chute (or Shute)—A body of ore, usually of elongated form, extending downward within a vein; a slide for ore or waste rock.

Cinnabar—Sulphide of mercury.

Claim—Space of ground located and worked under the mining laws.

Clastic—Fragmental. When a rock is composed of pieces.

Clean-up—Collecting a valuable product of a given period of operation in a stamp mill or placer.

Cleat—A joint produced by the natural tendency of coal or rock to cleave or split in a certain direction not parallel to the plane of bedding.

Cleavage—The property of splitting more or less regularly in certain definite directions.

Coaster—One who picks ore from the dump or gleans in abandoned mines for ore.

Cobbing—Breaking ore for sorting.

Collar—Top of shaft or winze.

Color—A particle of metallic gold found in the prospector's pan or horn after washing earth or pulverized rock.

Column-pipe—The line of pipe through which the mine water is pumped.

Concentrates—Mineral from which gangue and dirt have been removed.

Concentration—The removal by mechanical means of ore from the gangue or slime.

Concentrator—A machine for removing waste matter from mineral.

Contact—A junction of two kinds of rock, such as lime and porphyry.

Contact Vein—A vein between two dissimilar rock masses, separating the two formations.

Cord—A cord of ore weighs about 8 tons.

Counter—A cross-vein.

Copper—A metallic element; red; fusing point, 1,996 degrees Fahr. Symbol Cu. Atomic weight 63.5. Specific gravity 8.9.

Copper-plates—Plates of copper coated with quicksilver, upon which the gold is caught as the ore is washed from the stamps.

Counter Balance—Counterpoise—A weight used to balance another weight or the vibrating parts of machinery.

Country—The ground traversed by a vein.

Country Rock—The rock beyond the sides of a lode. The strata between or across which the lode is found.

Course of Vein—Its strike. The horizontal line on which it cuts the country rock.

Coyoting—Spasmodic irregular surface mining.

Cradle—A rocker. A short trough for washing gold.

Crab—An iron windlass for moving heavy weights.

Creep—The crushing in of the top or side rock, resulting in the floor rising and gradual closing of an opening.

Crevice—Fissure, split or crack; a vein is called a crevice.

Crib—A framework built like a log cabin. It may be a mere pillar afterwards filled with rock, or it may be the lining of a mill-hole or shaft.

Cribbing—The timbers used to confine wall-rock. The lining of a shaft.

Cropping-out—Mineral or rock rising to the surface.

Cross Course—An intersecting vein.

Cross Cut—A level driven across the course of a vein.

Cross Vein—An intersecting vein.

Cupriferous—Copper bearing.

Curb—A timber frame intended as a support or foundation for the lining of a shaft.

Cut—Where a vein is intersected, crossed or divided.

Cyanide—A compound of cyanogan with metal.

Dam—A bulkhead.

Day Shift—The gang of miners working during the daytime. Night shift, working nights.

Dead Quartz—Quartz carrying no mineral.

Dead Riches—Base bullion.

Dead Work—Work that is not directly productive, as opening up a mine.

Debris—Fragments of rock; mine refuse.

Deep—The lower portion of a vein.

Denouncement—The Mexican and Spanish equivalent to "Location and Record" of a claim.

Deposit—Ore bodies not confined to a lode.

Descension—The theory that the material filling veins came in from above.

Diggings—Name applied to placers being worked.

Dike—A fissure made and filled by plutonic action. Its rock is most commonly porphyry. It is often barren, but in some cases mineralized, or may carry a mineralized selvage and so appear as the wall of a lode.

Divide—Any continuous range of mountains from which the streams flow in opposite directions. The Rocky Mountains are called The Great Divide.

Diluvium—A surface deposit of sand, gravel or loam.

Dip—The slope or pitch of a vein or mine, with regard to the plane of the horizon.

Ditch—An artificial water course dug in the earth; a flume or canal.

Divining Rod—A stick of witch hazel or other like device used in prospecting for lodes.

Down-cast—A ventilating shaft with descending current of air.

Druse—A cavity lined with crystals.

Drag—The point of union of two veins which meet without intersecting.

Drift—A tunnel; a horizontal passage underground, driven on or along the vein.

Driving—Extending excavations horizontally.

Drum—The cylinder on which the hoisting cable is wound.

Dump—A place of deposit for ore or refuse.

Dumb-drift—A gallery which conducts the air around a ventilating furnace to the upcast shaft.

Dyke—A wall-like mass of mineral foreign to the general formation.

Elvan Course—A plutonic dyke.
Erosion—The act of being gradually worn away. Thus valleys are made by running water.
Escrow—A conditional deed delivered to a third person.
Exploder—A chemical employed for the instantaneous explosion of powder.
Exploitation—Working of a mine; amount of work done.
Eye—The hole in a pick or hammer head for receiving the handle. The top of a shaft.
Face—The end of a drift, tunnel or slope.
Fathom—Six feet square; a fathom of ore is six feet long, six feet high, the width of the vein.
Fault—The displacement of a stratum or vein so that they are not continuous.
Feeder—A small vein joining a larger one.
Feldspar—A vitreous crystalline constituent of granite, gneiss, porphyry and many other rocks.
Ferruginous—Relating to iron.
Fire-damp—A carburetted hydrogen gas, inflammable and specifically lighter than air.
Fire Setting—The process of exposing very hard rock to intense heat, rendering it thereby easier of breaking down.
Fissure Vein—A crack or cleft in the earth's crust filled with mineral matter, both walls having same geological formation.
Float—Loose ore or rock detached from the original formation and found below it.
Float Gold—Fine particles of gold difficult to precipitate or amalgamate.
Flour Gold—Gold in a very fine state of division; difficult to save by ordinary milling processes.
Flookan—A soft decomposed cross-course.
Floor—The rock underlying a horizontal vein or deposit; the stratum below a mineral bed.
Flume—A pipe or trough to convey water.
Flux—Substance used to promote the fusion of ores.
Footwall—Layer of rock immediately beneath the vein.
Forfeiture—A failure to comply with the laws prescribing the quantity of work.
Formation—A term applied to the country rock traversed by veins.

Free—A term employed in speaking of metals in ores, as free milling gold or silver ores.

Free Gold—Gold uncombined with other substances.

Free Milling—Ores containing mineral that will separate from the gangue by simple methods.

Free Silver—Silver uncombined with other substances.

Freestone—Sandstone easily dressed.

Fuse—A tube, ribbon or wire filled or saturated with a combustible compound, used for exploding powder.

Fusion—The state of melting.

Gad—A small pointed wedge.

Galena—Lead ore; sulphur and lead.

Gallery—A level or drift; applied chiefly to collieries. A level from which the ore has been stoped.

Gangue—The substance surrounding and associated with the ore.

Gash Vein—A vein wide at the top and closing at a short depth.

Gallows Frame—The frame supporting a pulley over which the hoisting rope passes to the engine.

Gateway—Gangway having ventilating doors.

Geode—A cavity studded around with crystals or mineral matter; a rounded stone containing such a cavity.

Glance—A term applied to the sulphides of some metals.

Gneiss—Metamorphic rock, resembling granite.

Gold—A metallic element; bright yellow; specific gravity, 19.34; fusing point, 2016 degrees Fahr. Almost invariably found associated with a variable percentage of silver. Symbol Au. Atomic wt. 196.6. One ounce pure gold coined in U. S. dollars is worth $20.67.

Gossan—The decomposed matter on or in an ore deposit, composed of iron oxide.

Gouge—A clayey streak found next to a fissure vein.

Grass Roots—A term used where a working is started from, or worked up to, the surface.

Granite—A plutonic crystalline rock composed of feldspar, quartz and mica.

Gray Copper—Tetrahedrite. An ore containing copper 15 to 45 per cent, combined with iron, zinc, silver, mercury, arsenic and antimony. It varies in color, hardness and specific gravity.

Grub Stake—Provisioning a prospector on a bargain to share his discoveries.

Grizzly—A grating used to sort ore according to size.
Guide—The timbers nailed to the timbers of a shaft for purpose of guiding the cage.
Gunboat—A skip; a self-dumping box used in slopes.
Hackly—Having a surface of rough points when broken.
Hade—The slope of a vein, usually applied to a fault.
Hanging Wall—The laying of rock, or wall, immediately over a lode.
Heading—Same as Breast; a vein of ore above the drift.
Headings—In placer mining, the mass of gravel above the head of the sluice.
Heave—The horizontal dislocation of one lode by another.
High Explosives—Those of greater detonating force than black powder.
Hitch—A hole cut in, the wall to hold timbers.
Horn—An ox or buffalo horn, halved and used as a pan.
Horse—A mass of country rock between the inclosing walls of a vein. To constitute a horse, it is necessary that the walls converge about the mass below and at both ends, but the greatest known horses do not converge overhead. "The two walls coming to the surface are in some instances 1,000 feet apart."
Hudge—An iron bucket for hoisting.
Hungry—Barren.
Hydraulic Cement—Sets under water. Made from limestone, containing alumina, magnesia and silica.
Hydraulic Mining—Mining placer gold with stream of water under pressure.
Hydraulicking—Washing down a bank of earth or gravel with pipes conveying water under great pressure.
Igneous—Applied to all rocks cooled from a state of fusion.
Impregnation—Metallic deposits having undefined limits and form.
Incline Drift—An inclined passageway underground.
Infiltration—The theory that vein filling was introduced as mineral water.
Injection—The theory that vein filling was introduced by an igneous fluid and solidified.
In Place—A vein, or ore, in its original position.
In-take—The entry which conducts the incoming air current to the mine. It is synonymous with down-cast.

In Situ—In fixed place. Original position.

Iron Hat—The outcrop of a lode, it being usually colored by decomposition of iron.

Jamb—Any thick rock which cuts off the vein.

Jig—A machine for concentrating ore by means of water.

Jigging—A method of sorting ore by shaking in a sieve in water.

Jump—To take forcible possession of a claim. (2) To relocate abandoned property.

Lagging—Timbers over and upon the sides of a drift.

Laundry Box—The box at the surface receiving the water pumped up from below.

Lean—Poor in metal.

Ledge or Lead—Mineral ores or gangue within fissure or contact veins.

Length—A certain portion of the vein when taken on a horizontal line.

Level—A horizontal passage or drift into a mine from a shaft.

Lift—All the mine workings connected with, opened from, and mined out at one level; also the length of pump-pipe between stations. The space between two levels.

Litharge—An oxide of lead used in assaying.

Lithology—The study of rocks. Geology applies to formations of the earth.

Little Giant—A jointed iron nozzle used in hydraulic mining.

Live Quartz—A variety of quartz usually associated with mineral.

Loam—A mixture of sand and clay.

Location—The successive acts by which a claim is appropriated. (2) The claim itself.

Lode—Same as ledge or lead.

Magma—The liquid matter within the earth, the source of igneous rocks.

Man-Hole—An opening large enough to permit access between two openings.

Massive—Not stratified. Without cleavage.

Matrix—(Of the lode:) The country rock in which the vein is found. (Of the ore:) The rock or earthy material inclosing the ore; the vein-stone.

Matte—A mass, chiefly of metallic sulphides, obtained in the fusion of ores.

Measures—A term embracing the strata of a geological series.
Matamorphic—Changed in form and structure.
Mica—One of the constituents of granite. When separately crystallized, is found in clear laminated plates. Found in the lode as well as the matrix of the lode.
Mill-Hole—A passage left in the stope for throwing down rock and ore.
Mill Run—A test of the value of a given quantity of ore.
Mine—An excavation in the earth from which mineral substances are dug.
Miners' Right—The license to locate, used in Australia.
Mining—In its broad sense embraces all that is concerned with the production of minerals and their complete utilization.
Mispickel—Iron pyrite, containing arsenic.
Mortar—A receptacle for ore beneath the stamps of a stamp mill.
Moyle—A drill or short bar sharpened to a point, used in cutting hitches and in broaching. (Also Moil.)
Muffle—An oxidizing furnace.
Native—As applied in mineralogy, means metal found pure, or refined by nature.
Nitro—A corrupted abbreviation for nitro-glycerine or dynamite.
Noble Metals—Gold, silver, mercury and platinum.
Nodule—A rounded mass of irregular shape.
Nugget—Any lump of native metal.
Operator—One who works a mine either as owner or lessee.
Open Cut—A surface working without a covering.
Ores—Compound of metals with oxygen, sulphur, etc.
Ore—The mechanical or chemical compounds of the metals with baser substances. The conventional designations in the ore market are: Dry Ore, an ore which does not contain any lead, or less than 5 per cent; Milling Ore, a dry ore that can be amalgamated or treated by leaching or other processes; usually these ores are low grades, free, or nearly so, from base mteals; Shipping Ore, such as is better adapted to smelting than any local treatment; any ore of greater value when broken, less the cost of freight and treatment; Refractory Ore, an ore containing in quantities zinc, arsenic, antimony or other base metals, which prevent economical treatment by usual and available processes.

Ore Reserves—The ore body where exposed ready for stoping.
Ore Shute—A large and unusually rich aggregation of mineral in a vein. Distinguished from pay streak in that it is a more or less vertical zone or chimney of rich vein matter extending from wall to wall, and having a definite width laterally.
Ounce—Used to designate the ounces of pure gold or silver to the ton of ore.
Outcrop—The portion of a vein showing at the surface.
Outlier—Any portion of a group of rocks, lying in a detached position, or out from the main body.
Outlet—An exit passage from the mine.
Output—The product of a mine.
Oxide—A compound of oxygen with other elements.
Oxidation—A chemical union with oxygen.
Ore Zone—A large deposit of ores or minerals in place.
Pan—A hard stratum of earth; a broad, shallow vessel used for washing auriferous gravel.
Panning—The act of separating gold from gangue or gravel by washing.
Parting—A joint in the rock, or a crevice in a seam, filled with clay or slate; a thin stratum or layer which separates two formations. Also called a selvage.
Patch—A small placer claim.
Patio—A yard or court; the space where ore is mixed and amalgamated by tread of horses. (Spanish.)
Patio Process—The Mexican method of amalgamation of silver ores.
Pay—Profitable ore.
Pay Streak—The richest streak in the vein.
Pay Rock—The lode material in which the mineral or pay is found.
Phonolite—A grayish, compact, felspathic rock yielding a metallic sound after the hammer; clickstone.
Phosphates—Prehistoric acid combinations.
Pinch—Contraction of the vein.
Pipe—An elongated body of mineral, generally in a horizontal plane.
Pit—A shallow shaft.
Pitch—The slope or dip of a vein.
Placer—A deposit of gold or other mineral found in particles in alluvium or diluvium.

Plat—A small chamber on the side or sole of a level where it intersects a shaft, made to facilitate dumping. Where it is cut in the sole it is called a trip-plat. (Cor.) A platform for sorting ore.

Pocket—A rich spot in a vein or deposit.

Pockety—A term applied to a mine where the pay ore occurs in small detached bodies with intervals of poor ore or barren material. The word implies a slur on the mine.

Poling—The process of timbering by the use of poles, for timbering in small ground.

Poppet, also Puppet—A pulley frame or the head gear over a shaft. A valve which lifts bodily from its seat instead of being hinged.

Porphyry—A general term including such plutonic rocks as exhibit well-formed crystals, usually of feldspar, in a finely granular or compact base of the same. (Ger.)

Porphyritic Granite—A base of granite containing prominent crystals of feldspar.

Power Drill—A rock drill employing steam, air, or electricity as a motor.

Prill—A good-sized piece of pure ore.

Prop—A piece of timber or metal placed normally to the roof or wall for its support.

Prospect—The name given to underground workings, the value of which has not yet been made manifest. A prospect is to a mine what mineral is to ore.

Prospecting—Searching for mineral veins.

Pulp—Finely pulverized ore.

Pulverize—To reduce to powder or dust.

Pumice—A light porous lava.

Pyrites—(White) A sulphite of iron. (Yellow) A sulphide of copper. A bright, crystallized, metallic-looking and very common gold-bearing ore, usually low grade and spoken of in common parlance as the "Iron." (Ger.)

Quarry—An open work in rock on a plan of excavating the entire mass, as distinguished from working a seam or vein by shafts or approaches under cover.

Quartz—Silica. A constituent of granite. The free gold of California being found in quartz, the word was applied to the gangue of such lodes and so, too, other forms of vein matter, until it is now used vaguely to mean the ore, the

float, the gangue, or that part of the gangue which indicates the pay streak. In the act of congress it is used with the word rock (quartz or other rock) in the sense of pay rock.

Quartzite—A metamorphosed sandstone. A rock containing usually about 98 per cent silica, with a small percentage of foreign materials, principally iron.

Quartz Mining—Any hard gold or silver ore, as distinguished from gravel or earth.

Quicksilver—Mercury, used in sluices to catch gold, also in pans and on copper plates to catch free gold and silver in milling.

Quick—(Adjective.) Soft, running ground; an ore or pay streak is said to be quickening when the associated minerals indicate richer mineral ahead; also an abbreviation for quicksilver.

Rafter Timbering—That form of mine timbering in which the timbers appear like roof rafters.

Raise—A shaft or winze which has been worked from below.

Range—A mineral bearing belt of rocks.

Reacher—A slim prop reaching from one wall to the other.

Reamer—An enlarging tool.

Reef—The outcrop of a hard vein projecting above the surface; also applied to auriferous quartz lodes.

Regulator—A sliding door to apportion the amount of air to be admitted into a section of the mine.

Refining—The purification of crude metallic products.

Refractory—Resisting the action of heat and chemical re-agents.

Reserves—Mineral standing in mines between shafts and levels that will pay to extract.

Retort—Amalgam after distillation; gold and silver combined with other metals.

Rhyolite—A name common to igneous rocks of wavy texture indicative of movement or flowing when in a fluid state.

Rib—A pillar of vein matter left to support roof or wall.

Riffles—Cross-blocks in a sluice box to catch the gold.

Rob—To gut a mine; to work for the ore in sight without regarding the supports, reserves or any future considerations.

Robbing—The taking of mineral from pillars.

Roof—The stratum or rock overlying a deposit, or flat vein. The top of a stope, adit, drift or any horizontal working.

Rocker—A small trough with an oscillating motion, used in placer mining.

Room—A working place in a flat mine; corresponds to stope in a steep vein.

Royalty—Percentage paid by lessees on the ore extracted.

Rusty—Oxidized. Metal coated with oxide. Applies to gold or silver which will not easily amalgamate.

Saddle—The ridge of a stratum or ore bed.

Safety Cage—One supplied with safety appliances.

Safety Lamp—A lamp in which the flame is protected from immediate contact with the surrounding atmosphere.

Salting—Placing foreign ore in the crevices of a vein or elsewhere to fraudulently raise its apparent value.

Sample Works—Works for sampling and determining the values obtained in ores; where ores are bought and sold.

Samson Post—An upright supporting the working beam which communicates oscillatory motion to pump or drill rod.

Scale—The incrustation deposited in boilers from evaporated waters. A loosened fragment of rock threatening to break off and fall.

Schist—Crystalline or metamorphic rock with slaty structure; usually carrying mica, sometimes argillaceous.

Schistose—Granitic rock having a slaty structure, admitting of division into slabs.

Seam—A layer of mineral.

Seed Bag—A water-tight packing of flaxseed around the tube of a drill hole to prevent the influx into hole of water from above.

Segregations—All those aggregations of ore having irregular form but definite limits. They differ from beds and lodes by the irregularity of their form; from impregnations by their definite limits.

Set—Portion of ground taken by a tributer; a frame of timber.

Selvage—Thin band of earthy matter between the walls and veins.

Shale—Fissile argillaceous rock; generally soft.

Shaly—Brittle ground.

Sheave—A grooved wheel over which a rope is turned.

Shelly—Broken ground.

Shift—A miner's turn or spell of work. Two shifts imply 16 to 20 hours' work; three shifts imply 24 hours' work.

Shaft—Vertical hole in the ground.

Shute—An inclined board-way through which ore is delivered.

Silica—Silex or quartz.
Silicious—Quartz-bearing.
Sill—A windlass frame; the floor piece of a timber set.
Silver—A metallic element; the whitest of metals; specific gravity, 10.53; fusing point, 1,873 degrees; symbol Ag.; atomic weight, 108.
Silver Glance—An ore; when pure contains 87 per cent silver and 13 per cent sulphur.
Skip—A bucket or box used to hoist material from a mine.
Slag—Waste from smelter furnaces.
Slickensides—polished walls of a vein, caused by trituration.
Slide—Timbers in shafts, etc., to guide buckets and materials; the mass of loose rock overlying each lode or country; one kind of fault; vertical dislocation of vein.
Slimes—The finest of the crushed ore and gangue from the mills.
Slope—An inclined opening to a mine. It is an inside slope when it does not extend to the surface.
Sluice—A series of boxes set in line and floored with riffle blocks to catch the gold in placer mining.
Smelting—The reduction of metals from their ores in furnaces. It is a form of the word melt. In smelting the ore is melted. In other processes it is roasted.
Smift—A slow-burning fuse.
Sole—The floor of a horizontal working.
Sollar—Any platform or wooden floor or covering in a working.
Spar—A general term applied to rock with distinct cleavage and luster; usually applied to the different lime formations.
Spiling—Timbering used in quicksand or loose ground where lathes are driven behind timbers and kept flush with heading.
Spit—To light a fuse.
Spoon—A slender iron rod with a cup-shaped protection at right angles to the rod, used in scraping drillings out of a bore hole.
Spreader—Timber stretched across a shaft or stope.
Spur—A branch of a vein.
Square Sets—A kind of timbering used in large spaces.
Squeeze—The closing of a room by the settling of the roof or the rising of the floor. The thinning away of a seam.
Squib—A slow fuse used for igniting an explosive.

Stamps—Weights for crushing ores.
Stamp Mill—A mill for crushing ores by means of stamps.
Station—Stopping places in shafts; places cut out for pumps, etc.
Stockwerke—A mass of country rock so impregnated by a congeries of veins that the whole must be mined together.
Stope—The part of a vein above or below the drift from which the ore has been removed.
Stoping—The act of breaking the ore above or below a level. When done from the back of a drift it is called overhand or back stoping; when from the sole it is underhand stoping.
Stoping Ground—The ore blocked out ready to remove.
Stowing—The debris of a vein thrown back of a miner to support the roof or hanging wall of an excavation.
Strata—A series of beds of rocks.
Stratified—Showing more or less distinct and separate layers or strata.
Stratum—A bed of rock or earth of any kind.
Streak—Color of a mineral when scratched.
Streak Powder—The powder obtained by filling a piece of mineral.
Strike—The extension of a lode or deposit on a horizontal line. Synonymous with trend and course. The discovery of pay ore.
Stringer—The same as feeder.
Stripping—Uncovering an ore body on the surface.
Stulls—Framework to support the rubbish when stoping.
Stull Dirt or Stull Rock—Material supported upon the stulls.
Sublimation—The theory that the vein matter was introduced in a gaseous condition.
Sulphide—The chemical union of sulphur with a metal.
Sulphuret—A sulphide. Sulphide is the more recent and approved term. Synonymous with pyrites.
Sulphurous—The odor of burning sulphur.
Sump—That part of the shaft below the platform to collect water.
Swamp Ore—Bog iron is sometimes called swamp ore when found in low, wet ground.
Swab—The stick used to clean out blast holes.

Synclinal—The trough formed by the downward inclination of the strata from each side, the anticlinal being the ridge formed when the strata dips in opposite directions.

Syndicate—An association or council of persons; in use since the war to designate any combination formed to carry out a large financial enterprise.

Tackle—The windlass, rope and bucket.

Tailings—The refuse left after washing ores containing metals not saved in the first treatment.

Tamp—To hammer loose earth into a blast hole.

Tellurium—A silver-white brittle substance, generally classed among metals; usually combined with gold, silver, lead, and copper. Sp. gr. 6.65. At. wt. 128. Symbol Te.

Tempering—The act of reheating and properly cooling a bar of metal to any desired degree of elasticity or hardness.

Throw—The amount of dislocation of a vein.

Ton—In metalliferous mines of the United States, 2,000 pounds.

Tram—The pair of parallel lines of rails of a trackway.

Trammer—One who pushes cars along track.

Trap—A door used for cutting off a ventilating current, which is occasionally opened for haulage or passage; guarded by a trapper. Any volcanic rock.

Trend—Dip or course of a vein from the perpendicular.

Tribute—A system of contract mining by which the miner receives his pay out of the gross value of the ore sold, less a certain deduction for royalty to mine owner.

Tributers—Miners who work at a set, or piece of ground, taking the proceeds as wages, after royalty is deducted but who work under the direction of the owners and hold no possession or title as lessees.

Triturate—To grind or pulverize.

Tufa—Any open porous rock.

Tunnel—A horizontal hole.

Tut Work—Work paid for by the foot as distinguished from tribute work.

Unctuous—Having a greasy feeling like soapstone.

Underhand Work—Picking or drilling downward.

Underlie—The angle of a vein from the perpendicular.

Upcast—A ventilating shaft where the air ascends.

Upraise—A shaft or winze excavated upward.

Upthrow—An upward displacement of the side of a fault.

Valve Bucket—A bucket with a valve in the bottom for hoisting water.

Vein—Same as ledge.

Veins—Aggregation of mineral matter in fissures of rocks. The word vein has a broader scope than the word lode, including non-metallic beds. It is also applied, in working, to smaller seams threading the greater deposits.

Veinstone—The mineral in a vein which holds the ore.

Vena—A small vein or the branches of the veta, or main vein.

Veta—A main vein. (Spanish.)

Vitreous—The luster of broken glass.

Vug—A cavity in the ore or rock.

Wall—The plane of the country where it touches the side of the vein, when used in reference to lodes. The side of a level or drift, when used with reference to the workings.

Wall Plate—The long horizontal stick in timbering which is parallel to the vein.

Waste—The debris of an excavation. Gob. Goaf.

Weathered—Changed by exposure to weather.

Wedging—The material, moss or wood used to render the shaft lining tight.

Wheal—A pit or hole in the ground. A mine. The names of most mines in Cornwall are preceded by the word wheal. Old form Huel. (Cornish.)

Whim—A machine for raising the bucket by means of a revolving drum.

Whip—An apparatus for raising the bucket with rope and pulleys by horse-power on a straight drive.

Whin—The Scotch name for hornstone.

White-damp—The noxious gas called carbonic oxide gas.

Winch or Windlass—A hoisting machine consisting of a horizontal drum operated by crank-arm and manual labor.

Winning—Recovering ore left in a mine, or mining.

Workings—Any underground development from which ore is being extracted.

Winze—A shaft sunk from a level, not necessarily connecting two levels.

Zinc Blende—A combination of zinc and sulphur, often accompanied by other metals.

Zone—Used to specify a certain geological position of a strata or layer of rock.

HARDNESS OF MINERALS.

1. Talc; common laminated, light green variety.
2. Gypsum; a crystallized variety.
3. Calcareous spar; transparent variety.
4. Fluor spar; crystalline variety.
5. Apatite; transparent variety. Scapolite; crystalline variety.
6. Feldspar; white cleavable variety.
7. Quartz; transparent.
8. Topaz; transparent.
9. Sapphire; cleavable varieties.
10. Diamond.

MEASURES OF ROCK, EARTH, ETC.

25 cubic feet of sand—1 ton.
18 cubic feet of earth—1 ton.
17 cubic feet of clay—1 ton.
13 cubic feet of quartz, unbroken in lode—1 ton.
18 cubic feet of gravel or earth, before digging—27 cubic feet when dug.
20 cubic feet of quartz, broken (of ordinary fineness coming from the lode)—1 ton contract measurement.

PART XII.

CUSTOMS TARIFF OF CANADA.

PART 12.

CANADA CUSTOMS TARIFF

60-61 VICTORIA.

CHAP. 16.

AN ACT TO CONSOLIDATE AND AMEND THE ACTS RESPECTING THE DUTIES OF CUSTOMS.

(Assented to 29th June, 1897.)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sec. 1. This Act may be cited as The Customs Tariff, 1897.

Sec. 2. In this Act, and in any other Act relating to customs, unless the context otherwise requires,—

(a.) The initials "n. e. s." represent and have the meaning of the words "not elsewhere specified."

(b.) The initials "n. o. p." represent and have the meaning of the words "not otherwise provided for."

(c.) The expression "gallon" means an imperial gallon.

(d.) The expression "ton" means two thousand pounds avoirdupois.

(e.) The expression "proof" or "proof spirits," when applied to wines or spirits of any kind, means spirits of a strength equal to that of pure ethyl alcohol compounded with distilled water in such proportions that the resultant mixture shall at a temperature of sixty degrees Fahrenheit have a specific gravity of 0.9198 as compared with that of distilled water at the same temperature.

(f.) The expression "gauge," when applied to metal sheets or plates or to wire, means the thickness as determined by Stubbs' standard gauge.

(g.) The expression "in diameter," when applied to tubing, means the actual inside diameter.

(h.) The expression "sheet," when applied to metals, means a sheet or plate not exceeding three-sixteenths of an inch in thickness.

(i.) The expression "plate," when applied to metals, means a plate or sheet more than three-sixteenths of an inch in thickness.

Sec. 3. The expressions mentioned in section two of The Customs Act, as amended by section two of The Customs Amendment Act, 1888, whenever they occur herein or in any Act relating to the customs, unless the context otherwise requires, have the meaning assigned to them respectively by the said section two; and any power conferred upon the Governor in Council by The Customs Act to transfer dutiable goods to the list of goods which may be imported free of duty is not hereby abrogated or impaired.

Sec. 4. Subject to the provisions of this Act and to the requirements of The Customs Act, chapter thirty-two of the Revised Statutes, as amended, there shall be levied, collected and paid upon all goods enumerated, referred to as not enumerated, in schedule A to this Act, the several rates of duties of customs set forth and described in the said schedule and set opposite to each item respectively or charged thereon as not enumerated, when such goods are imported into Canada or without the payment of any duties of customs thereon.

Sec. 5. Subject to the same provisions and to the further conditions contained in schedule B to this Act, all goods enumerated in the said schedule B may be imported into Canada or may be taken out of warehouse for consumption in Canada without the payment of duties of customs thereon.

Sec. 6. The importation into Canada of any goods enumerated, described or referred to in schedule C to this Act, is prohibited; and any such goods imported shall thereby become forfeited to the Crown and shall be destroyed; and any person importing any such prohibited goods, or causing or permitting them to be imported, shall for each offense incur a penalty of two hundred dollars.

Sec. 7. The whole or part of the duties hereby imposed upon fish and other products of the fisheries may be remitted as respects either the United States or Newfoundland, or both, upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that the Governments of the United States and Newfoundland, or either of them, have made changes in their tariffs of duties imposed upon articles imported from Canada, in reduction or repeal of the duties in force in the said countries respectively.

Sec. 8. The export of deer, wild turkeys, quail, partridge, prairie fowl and woodcock, in the carcass or parts thereof, is hereby declared unlawful and prohibited; and any person exporting or attempting to export any such article shall for each such offense incur a penalty of one hundred dollars, and the article so attempted to be exported shall be forfeited, and may, on reasonable cause of suspicion of intention to export, be seized by any officer of the customs, and, if such intention is proved, shall be dealt with as for breach of the customs laws: Provided, that this section shall not apply to the export, under such regulations as are made by the Governor in Council, of any carcass or part thereof of any deer raised or bred by any person, company or association of persons upon his or their own lands.

Sec. 9. Regulations respecting the manner in which molasses and syrups shall be sampled and tested for the purpose of determining the classes to which they belong with reference to the duty chargeable thereon shall be made by the Controller of Customs, and the instruments and appliances necessary for such determination shall be designated by him and supplied to such officers as are by him charged with the duty of sampling and testing such molasses and syrups; and the decision of any officer (to whom is so assigned the testing of such articles) as to the duties to which they are subject under the tariff shall be final and conclusive, unless, upon appeal to the Commissioner of Customs within thirty days from the rendering of such decision, such decision is, with the approval of the Controller, changed; and the decision of the Commissioner with such approval shall be final.

Sec. 10. In the case of all wines, spirits, or alcoholic liquors subject to duty according to their relative strength of proof, such strength shall be ascertained either by means of Sykes' hydrometer or of the specific gravity bottle, as the Controller of Customs directs; and in case such relative strength cannot be correctly ascertained by the direct use of the hydrometer or gravity bottle, it shall be ascertained by the distillation of a sample and the subsequent test in like manner of the distillate.

Sec. 11. All medicinal or toilet preparations imported for completing the manufacture thereof, or for the manufacture of any other article by the addition of any ingredient or ingredients, or by mixing such preparations, or by putting up

or labeling the same, alone or with other articles or compounds, under any proprietary or special name or trademark, shall be valued for duty under the provision of subsection two of section sixty-five of The Customs Act, as amended by section fifteen of chapter fourteen of the statutes of 1888.

Sec. 12. All medicinal preparations, whether chemical or other, usually imported with the name of the manufacturer, shall have the true name of such manufacturer and the place where they are prepared, and the word "alcoholic" or "non-alcoholic," permanently and legibly affixed to each parcel by stamp, label or otherwise; and all medicinal preparations imported without such names and word so affixed may be forfeited.

Sec. 13. Packages shall be subject to the following provisions:—

(a.) All bottles, flasks, jars, demijohns, carboys, casks, hogsheads, pipes, barrels, and all other vessels or packages, manufactured of tin, iron, lead, zinc, glass or any other material capable of holding liquids, and all packages in which goods are commonly placed for home consumption, including cases, not otherwise provided for, in which bottled spirits, wines or malt liquors or other liquids are contained, and every package being the first receptacle or covering inclosing goods for the purpose of sale, shall in all cases, not otherwise provided for, in which they contain goods subject to an ad valorem duty or a specific and ad valorem duty, be charged with the same rate of ad valorem duty as is to be levied and collected on the goods they contain, and the value of the packages may be included in the value of such goods.

(b.) All such packages as aforesaid containing goods subject to a specific duty only, and not otherwise provided for, shall be charged with a duty of twenty per cent ad valorem.

(c.) Packages not hereinbefore specified, and not herein specially charged with or declared liable to duty, and being the usual and ordinary packages in which goods are packed for exportation, according to the general usage and custom of trade, shall be free of duty.

(d.) All such special packages or coverings as are of any use, or apparently designed for use other than in the importation of the goods they contain, shall be subject to the same rate of duty as would thereon be levied if imported empty or separate from their contents.

(e.) Packages (inside or outside) containing free goods shall be exempt from duty when the packages are of such a nature that their destruction is necessary in order to release the goods.

Sec. 14. Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession, any bill-heading or other paper appearing to be a heading or blank capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offense and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months, in the discretion of the court, and the goods entered under any invoice made from any such bill-heading or blank shall be forfeited.

Sec. 15. With respect to goods imported for manufacturing purposes that are admissible under this Act for any specific purposes at a lower rate of duty than would otherwise be chargeable, or exempt from duty, the importer claiming such exemption from duty, or proportionate exemption from duty, shall make and subscribe to the following affidavit or affirmation before the collector of customs at the port of entry, or before a notary public or a commissioner for taking affidavits:—

I, (name of importer) the undersigned, importer of the (names of the goods or articles) mentioned in this entry, do solemnly (swear or affirm) that such (names of the goods or articles) are imported by me for the manufacture of (names of the goods to be manufactured) in my own factory, situated at (name of the place, county and province), and that no portion of the same will be used for any other purpose or disposed of until so manufactured.

Sec. 16. Nothing contained in the foregoing provisions shall affect the French Treaty Act, 1894, or chapter three of the statutes of 1895, intituled An Act respecting Commercial Treaties affecting Canada.

Sec. 17. When the customs tariff of any country admits the products of Canada on terms which, on the whole, are as favorable to Canada as the terms of the reciprocal tariff herein referred to are to the countries to which it may apply, articles

which are the growth, produce, or manufacture of such country, when imported direct therefrom, may then be entered for duty, or taken out of warehouse for consumption in Canada, at the reduced rates of duty provided in the reciprocal tariff set forth in schedule D to this Act.

2. Any question arising as to the countries entitled to the benefits of the reciprocal tariff shall be decided by the Controller of Customs, subject to the authority of the Governor in Council.

3. The Governor in Council may extend the benefits of the reciprocal tariff to any country entitled thereto by virtue of a treaty with Her Majesty.

4. The Controller of Customs may make such regulations as are necessary for carrying out the intention of this section.

Sec. 18. Whenever the Governor in Council has reason to believe that with regard to any article of commerce there exists any trust, combination, association or agreement of any kind among manufacturers of such article or dealers therein, to unduly enhance the price of such article or in any other way to unduly promote the advantage of the manufacturers or dealers at the exepense of the consumers, the Governor in Council may commission or empower any judge of the Supreme Court or Exchequer Court of Canada, or of any superior court in any province of Canada, to inquire in a summary way into and report to the Governor in Council whether such trust, combination, association or agreement exists.

2. The judge may compel the attendance of witnesses and examine them under oath and require the production of books and papers, and shall have such other necessary powers as are conferred upon him by the Governor in Council for the purposes of such inquiry.

3. If the judge reports that such trust, combination, association or agrement exists, and if it appears to the Governor in Council that such disadvantage to the consumers is facilitated by the duties of customs imposed on a like article, when imported, then the Governor in Council shall place such article on the free list, or so reduce the duty on it as to give to the public the benefit of reasonable competition in such article.

Sec. 19. The following Acts are hereby repealed:—The Customs Tariff, 1894, being chapter thirty-three of the statutes of 1894; chapter twenty-three of the statutes of 1895, intituled

An Act to amend the Customs Tariff, 1894; and chapter eight of the statutes of 1896, intituled An Act further to amend the Customs Tariff, 1894.

Sec. 20. All orders in Council and all departmental regulations inconsistent with any of the provisions of this Act are hereby repealed.

Sec. 21. The foregoing provisions of this Act shall be held to have come into force on the twenty-third day of April, in the present year one thousand eight hundred and ninety-seven, and to apply and to have applied to all goods imported or taken out of warehouse for consumption on or after the said day: Provided, that in the case of goods which were imported or taken out of warehouse for consumption, and on which duty was paid, on or after the twenty-third day of April, one thousand eight hundred and ninety-seven, in accordance with the rate of duty set forth as payable on such goods in the resolutions respecting the duties of customs introduced in the House of Commons on the twenty-second day of the said month, or in any such resolution subsequently introduced in the said House, the duty so paid shall not be affected, nor shall the person paying it be entitled to any refund or be liable to any further payment of duty, by reason of such rate of duty being altered by any resolution introduced subsequently to that in accordance with which such duty was paid and before the passing of this Act.

SCHEDULE A.

GOODS SUBJET TO DUTIES.

Ales, Beers, Wines and Liquors.

1. Ale, beer and porter, when imported in casks or otherwise than in bottle, 16c per gall.

2. Ale, beer and porter when imported in bottles (six quart or twelve pint bottles to be held to contain one gallon), 24c per gall.

3. Cider, not clarified or refined, 5c per gall.

4. Cider, clarified or refined, 10c per gall.

5. Lime juice and fruit juices, fortified with or containing not more than 25 per cent of proof spirits, 60c per gall.; and when containing more than 25 per cent of proof spirits, $2 per gall.

6. Lime juice and other fruit syrups and fruit juices n. o. p., ad val., 20 p. c.

7. Spirituous or alcoholic liquors, distilled from any material, or containing or compounded from or with distilled spirits of any kind, and any mixture thereof with water, for every gallon thereof of the strength of proof, and when of a greater strength than that of proof, at the same rate on the increased quantity that there would be if the liquors were reduced to the strength of proof. When the liquors are of a less strength than that of proof, the duty shall be at a rate herein provided, but computed on a reduced quantity of the liquors in proportion to the lesser degree of strength; provided, however, that no reduction in quantity shall be computed or made on any liquors below the strength of fifteen per cent under proof, but all such liquors shall be computed as of the strength of fifteen per cent under proof, as follows:

(a.) Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine; gin of all kinds, n. e. s.; rum, whisky and all spirituous or alcoholic liquors, n. o. p.; amyl alcohol or fusel oil, or any substance known as potato spirit or potato oil; methyl alcohol, wood alcohol, wood naphtha, pyroxylic spirit or any substance known as wood spirit or methylated spirits, absinthe, arrack or palm spirit, brandy, including artificial brandy and imitations of brandy; cordials and liquors of all kinds, n. e. s.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages, $2.40 per gall.

(b.) Spirits and strong waters of any kind, mixed with any ingredient or ingredients, as being or known or designated as anodynes, elixirs, essences, extracts, lotions, tinctures or medicines, or medicinal wines (so called), or ethereal and spirituous fruit essences, n. e. s., $2.40 per gall. and 30 p. c. ad val.

(c.) Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, hair, tooth and skin washes, and other toilet preparations containing spirits of any kind, when in bottles or flasks containing not more than four ounces each, 50 p. c. ad val.

When in bottles, flasks or other packages containing more than four ounces each, $2.40 per gall. & 40 p. c. ad val.

(d.) Nitrous ether, sweet spirits of nitre and aromatic spirits of ammonia $2.40 per gall. & 30 p. c. ad val.

(e.) Vermouth containing not more than thirty-six per cent, and ginger wine containing not more than twenty-six per cent of proof spirits, 90c per gall.

If containing more than these percentages respectively of proof spirits, $2.40 per gall.

(f.) Medicinal or medicated wines containing not more than forty per cent of proof spirits, $1.50 per gall.

8. Wines of all kinds, except sparkling wines, including orange, lemon, strawberry, raspberry, elder and current wines, containing twenty-six per cent or less of spirits of the strength of proof, whether imported in wood or in bottles (six quart or twelve pint bottles to be held to contain a gallon), 25c per gall; and for each degree or fraction of a degree of strength in excess of the twenty-six per cent of spirits as aforesaid, an additional duty of 3c per deg., until the strength reaches forty per cent of proof spirits; and in addition thereto, 30 p. c. ad val.

9. Champagne and all other sparkling wines in bottles containing each not more than a quart, but more than a pint, $3.30 per doz.; containing not more than a pint each, but more than a half pint, $1.65 per doz.; containing one-half pint each or less, 82c per doz.; bottles containing more than one quart each shall pay, in addition to three dollars and thirty cents per dozen bottles, at the rate of $1.65 per gall. on the quantity in excess of one quart per bottle, the quarts and pints in each case being old wine measure; in addition to the above specific duty there shall be an ad val. duty of 30 per cent.

10. But any liquors imported under the name of wine, and containing more than forty per cent of spirits of the strength of proof shall be rated for duty as unenumerated spirits.

ANIMALS, AND AGRICULTURAL, ANIMAL AND DAIRY PRODUCTS.

11. Animals, living, n. e. s., 20 p. c. ad val.

12. Live hogs, 1 1-2c per lb.

13. Meats, n. e. s. (when in barrel, the barrel to be free), 2c per lb.

14. Meats, fresh, n. e. s., 3c per lb.

15. Canned meats, and canned poultry and game, extracts of meats and fluid beef not medicated, and soups, 25 p. c. ad val.

16. Mutton and lamb, fresh, 35 p. c. ad val.
17. Poultry and game, n. o. p., 20 p. c. ad val.
18. Lard, lard compound and similar substances, cottolene and animal stearine of all kinds, n. e. s., 2c per lb.
19. Tallow and stearic acid, 20 p. c. ad val.
20. Beeswax, 10 p. c. ad val.
21. Candles, n. e. s., 25 p. c. ad val.
22. Paraffine wax candles, 30 p. c. ad val.
23. Soap, common or laundry, 1c per lb.
24. Castile soap, mottled or white, 2c per lb.
25. Soap, n. e. s., 35 p. c. ad val.
26. Pearline, and other soap powders, 30 p. c. ad val.
27. Glue liquid, powdered or sheet, and mucilage, gelatine, and isinglass, 25 p. c. ad val.
28. Feathers undressed, 20 p. c. ad val.
29. Feathers, n. e. s., 30 p. c. ad val.
30. Eggs, 3c per doz.
31. Butter, 4c per lb.
32. Cheese, 3c per lb.
33. Condensed milk (weight of the package to be included in the weight for duty), 3 1-4c per lb.
34. Condensed coffee with milk, milk foods and all similar preparations, 30 p. c. ad val.
35. Apples, including the duty on the barrel, 40c per brl.
36. Beans, 15c per bush.
37. Buckwheat, 10c per bush.
38. Pease, n. e. s., 10c per bush.
39. Potatoes, n. e. s., 15c per bush.
40. Rye, 10c per bush.
41. Rye flour, including the duty on the barrel, 50c per brl.
42. Hay, $2 per ton.
43. Vegetables, n. o. p., 25 p. c. ad val.
44. Barley, 30 p. c. ad val.
45. Dutiable breadstuffs, grain and flour and meal of all kinds, when damaged by water in transit, 20 p. c. ad val. on the appraised value, such appraised value to be ascertained as provided by sections 58, 70, 71, 72, 73, 74, 75, and 76 of the Customs Act.
46. Buckwheat, meal or flour, 1 1-4c per lb.
47. Cornmeal, including the duty on the barrel, 25c per brl.
48. Indian corn for purposes of distillation, subject to regulations to be approved by the Governor in Council, 7 1-2c per bush.

49. Oats, 10c per bush.

50. Oatmeal, 20 p. c. ad val.

51. Rice, uncleaned, unhulled or paddy, 1-2c per lb.

52. Rice, cleaned, 1 1-4c per lb.

53. Rice and sago flour and sago, and tapioca, 25 p. c. ad val.

54. Rice, when imported by makers of rice-starch for use in their factories in making starch 3-4c per lb.

55. Wheat, 12c per bush.

56. Wheat fluor, including the duty on the barrel, 60c per bel.

57. Biscuits, not sweetened, 25 p. c. ad val.

58. Biscuits, sweetened, 27 1-2 p. c. ad val.

59. Macaroni and vermicelli, 25 p. c. ad val.

60. Starch, including farina, corn starch or flour and all preparations having the qualities of starch, the weight of the package to be in all cases included in the weight for duty, 1 1-2c per lb.

61. Seeds viz.: garden, field, and other seeds for agricultural or other purposes, n. o. p., sunflower, canary, hemp and millet seed, when in bulk or in large parcels, 10 p. c. ad val.

When put up in small papers or parcels, 25 p. c. ad val.

62. Mustard, ground 25 p. c. ad val.

63. Mustard cake, 15 p. c. ad val.

64. Sweet potatoes and yams, 10c per bush.

65. Tomatoes, fresh, 20c per bush, and 10c p. c. ad val.

66. Tomatoes and other vegetables, including corn and baked beans, in cans or other packages, n. e. s., the weight of the cans or other packages to be included in the weight for duty, 1 1-2c per lb.

67. Pickles, sauces and catsups, including soy, 35 p. c. ad val.

68. Malt, upon entry for warehouse subject to excise regulations, 15c per bush.

69. Extract of malt (non-alcoholic), for medicinal and baking purposes, 25 p. c. ad val.

70. Hops, 6c per lb.

71. Compressed yeast, in bulk or mass of not less than fifty pounds; 3c per lb.; in packages weighing less than fifty pounds, 6c per lb.; the weight of the package in the latter case to be included in the weight for duty.

72. Yeast cakes and baking powder, the weight of the packages to be included in the weight for duty, 6c per lb.

73. Trees, viz.:—apple, cherry, peach, pear, plum and quince, of all kinds, and small peach trees known as June buds, 3c each.

74. Grape vines, gooseberry, raspberry, currant and rose bushes; fruit plants, n. e. s., and shade, lawn and ornamental trees, shrubs and plants, n. e. s., 20 p. c. ad val.

75. Blackberries, gooseberries, raspberries, strawberries, cherries and currants, n. e. s., the weight of the package to be included in the weight for duty, 2c per lb.

76. Cranberries, plums and quinces, 25 p. c. ad val.

77. Prunes, including raisins, dried currants, and California or silver prunes, 1c per lb.

78. Apples, dried, desiccated or evaporated; dates, figs, and other dried, desiccated or evaporated fruits, n. e. s., 25 p. c. ad val.

79. Grapes, 2c per lb.

80. Oranges, lemons and limes, in boxes of capacity not exceeding two and one-half cubic feet, 25c per box.

In one-half boxes, capacity not exceeding one and one-fourth cubic foot, 13c per 1-2 box.

In cases and all other packages, 10c per cubic ft.

In bulk, per one thousand oranges, lemons or limes, $1.50 per M.

In barrels, not exceeding in capacity that of the one hundred and ninety-six pounds flour barrel, 55c per brl.

81. Peaches, n. o. p., the weight of the package to be included in the weight for duty, 1c per lb.

82. Fruits in air-tight cans or other packages, the weight of the cans or other packages to be included in the weight for duty, 2 1-4c per lb.

83. Fruits preserved in brandy, or preserved in other spirits, $2 per gall.

84. Preserved ginger, 30 p. c. ad val.

85. Jellies, jams and preserves, n. e. s., 3 1-4c per lb.

86. Honey, in the comb or otherwise, and imitations thereof, 3c per lb.

87. Tea and green coffee, n. e. s., 10 p. c. ad val.

88. Coffee, roasted or ground, when not imported direct from the country of growth and production, 2c per lb. and 10 p. c. ad val.

89. Coffee, roasted or ground, and all imitations thereof and substitutes therefor, including acorn nuts, n. o. p., 2c per lb.

90. Extract of coffee, n. e. s., or substitutes therefor of all kinds, 3c per lb.

91. Chicory, raw or green, 3c per lb.

92. Chicory, kiln-dried, roasted or ground, 4c per lb.

93. Cocoa shells and nibs, chocolate, and other preparations of cocoa, n. e. s., 20 p. c. ad val.

94. Cocoa paste, chocolate paste, cocos and cocoa butter, n. o. p., 4c per lb.

95. Nuts, shelled, n. e. s., 5c per lb.

96. Almonds, walnuts, Brazil nuts, pecans and shelled peanuts, n. e. s., 3c per lb.

And nuts of all kinds, n. o. p., 2c per lb.

97. Cocoanuts, n. e. s., $1.00 per 100.

98. Cocoanuts, when imported from the place of growth, by vessel, direct to a Canadian port, 50c per 100.

99. Cocoanut, desiccated, sweetened or not, 5c per lb.

100. Nutmegs and mace, 25 p. c. ad val.

101. Spices, viz.:—ginger and spices of all kinds, unground, n. e. s., 12 1-2 p. c. ad val.

Ground, 25 p. c. ad val.

102. Fine salt in bulk, and coarse salt, n. e. s., 5c per 100 lbs.

103. Salt, n. e. s., in bags, barrels and other packages—the bags, barrels or other packages being the first coverings or inside packages, to bear the same duty as if such package or first coverings were imported empty, 7 1-2 per 100 lbs.

FISH AND PRODUCTS OF THE FISHERIES.

104. Mackerel, 1c per lb.

105. Herrings, pickled or salted, 1-2c per lb.

106. Salmon, fresh, 1-2c per lb.

107. Salmon, pickled or salted, 1c per lb.

108. All other fish, pickled or salted, in barrels, 1c per lb.

109. Foreign-caught fish, imported otherwise than in barrels or half-barrels, whether fresh, dried, salted or pickled, not specially enumerated or provided for by this Act, 50c per 100 lbs.

110. Fish, smoked and boneless, 1c per lb.

111. Anchovies and sardines, packed in oil or otherwise, in tin boxes measuring not more than five inches long, four inches wide and three and a half inches deep, per whole box, 5c per box.

(b.) In half boxes measuring not more than five inches long, four inches wide and one and five-eighths deep, 2 1-2c per 1-2 box.

(c.) In quarter boxes, measuring not more than four inches wide and three-quarters long, three and a half inches wide and one and a quarter deep, 2c per 1-4 box.

112. Anchovies and sardines when imported in any other form, 30 p. c. ad val.

113. Fish preserved in oil, except anchovies and sardines, 30 p. c. ad val.

114. Fresh or dried fish, n. e. s., imported in barrels, or half barrels, 1c per lb.

115. Salmon and all other fish prepared or preserved, including oysters, not specially enumerated or provided for in this Act, 25 p. c. ad val.

116. Oysters, shelled, in bulk, 10c per gal.

117. Oysters, shelled, in cans not over one pint, including the cans, 3c per can.

118. Oysters shelled, in cans over one pint and not over one quart, including the cans, 5c per can.

119. Oysters, shelled, in cans exceeding one quart in capacity, an additional duty of 5 cents per quart or fraction of a quart of capacity over a quart, including the cans.

120. Oysters in the shell, 25 p. c. ad val.

121. Packages containing oysters or other fish, n. o. p., 25 p. c. ad val.

122. Oils, spermaceti, whale and other fish oils, and all other articles the produce of the fisheries not specially provided for, 20 p. c. ad val.

BOOKS AND PAPER.

123. Albumenized and other papers and films chemically prepared for photographers' use, 30 p. c. ad val.

124. Books, viz.:—Novels or works of fiction, or literature of a similar character, unbound or paper-bound or in sheets, including freight rates for railways and telegraph rates, bound in book or pamphlet form, but not to include Christmas an-

nuals or publications commonly known as juvenile and toy books, 20 p. c. ad val.

125. Books, printed, periodicals and pamphlets, or parts thereof, n. e. s.,—not to include bank account books, copy books or books to be written or drawn upon, 10 p. c. ad val.

126. Advertising and printed matter, viz.:—Advertising pamphlets, advertising pictorial show cards, illustrated advertising periodicals; illustrated price books, catalogues and price lists, advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets; advertising chromos, chromotypes, oleographs or like work produced by any process other than hand painting or drawing, and having any advertisement or advertising matter printed, lithographed or stamped thereon, or attached thereto, including advertising bills, folders and posters, or other similar artistic work, lithographed, printed or stamped on paper or cardboard for business or advertisment purposes, n. o. p., 15c per lb.

127. Labels for cigar boxes, fruits, vegetables, meats, fish; confectionery or other goods or wares; shipping, price or other tags, tickets or labels, and railroad or other tickets, whether litographed or printed, or partly printed, n. e. s., 35 p. c. ad val.

128. Bank notes, bonds, bills of exchange, cheques, promissory notes, drafts, and all similar work, unsigned, and cards or other commercial blank forms printed or lithographed, or printed from steel or copper or other plates and other printed matter, n. e. s., 35 p. c. ad val.

129. Printed music, bound or in sheets, 10 p. c. ad val.

130. Photographs, chromos, chromotypes, artotypes, oleographs, paintings, drawings, pictures, engravings or prints, or proofs therefrom, and similar works of art, n. o. p.; blue prints, building plans, maps and charts, n. e. s., ad val., 20 p. c.

131. Newspapers or supplemental editions or parts thereof, partly printed and intended to be completed and published in Canada, ad val., 25 p. c.

132. Union collar cloth paper in rolls or sheets, not glossed or finished, 15 p. c. ad val.

133. Union collar cloth paper in rolls or sheets, glossed or finished, 20 p. c. ad val.

134. Mill-board, not straw board, 10 p. c. ad val.

135. Straw-board, in sheets or rolls; tarred paper, felt or

straw-board; sandpaper, glass or flint paper, and emery paper or emery cloth, 25 p. c. ad val.

136. Paper sacks or bags of all kinds, printed or not, 25 p. c. ad val.

137. Playing cards, 6c p. pack.

138. Paper hangings or wall papers, borders or bordering, and window blinds of paper of all kinds, 35 p. c. ad val.

139. Printing paper and paper of all kinds, n. e. s., 25 p. c. ad val.

140. Ruled and border coated papers, papeteries, boxed papers, pads not printed, papier-mache ware, n. o. p.; envelopes, and all manufactures of paper, n. e. s., 35 p. c. ad val.

CHEMICALS AND DRUGS.

141. Acid, acetic acid and pyroligneous, n. e. s., and vinegar, a specific duty of 15c p. gal. of any strength not exceeding the strength of proof, and for such degree of strength in excess of the strength of proof an additional duty of 2c p. deg.

The strength of proof shall be held to be equal to six per cent of absolute acid, and in all cases the strength shall be determined in such manner as is established by the Governor in Council.

142. Acid, acetic acid crude, and pyroligneous crude, of any strength not exceeding thirty per cent, 25 p. c. ad val.

143. Acid, muriatic and nitric, and all mixed or other acids, n. e. s., 20 p. c. ad val.

144. Acid, sulphuric, 25 p. c. ad val.

145. Acid phosphate, n. o. p., 25 p. c. ad val.

146. Sulphuric ether, chloroform, and solutions of peroxides of hydrogen, 25 p. c. ad val.

147. All medicinal, chemical and pharmaceutical preparations, when compounded of more than one substance, including patent and proprietary preparations, tinctures, pills, powders, troches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences and oils, n. o. p.; provided that drugs, pill-mass and preparations. not including pills or medicinal plasters, recognized by the British or the United States pharmacopoeia or the French Codex as officinal, shall not be held to be covered by this item; all liquids, containing alcohol, 50 p. c. ad val.; and all others, liquid or not, 25 p. c. ad val.

148. Pomades, French or flower odors preserved in fat or oil for the purpose of conserving the odors of flowers which do not bear the heat of distillation, when imported in tins of not less than ten pounds each, 15 p. c. ad val.

149. Perfumery, including toilet preparations (non-alcoholic), viz.:—Hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n. o. p., used for the hair, mouth or skin, 30 p. c. ad val.

150. Licorice paste and licorice in rolls and sticks, 20 p. c. ad val.

151. Paraffine wax, 30 p. c. ad val.

152. Antiseptic surgical dressing, such as absorbent cotton, cotton wool, lint, lamb's wool, tow, jute, gauzes and oakum, prepared for use as surgical dressings, plain or medicated; surgical belts and trusses, electric belts, pessaries and suspensory bandages of all kinds, 20 p. c. ad val.

153. Surgical and dental instruments (not being furniture) and surgical needles, 10 p. c. ad val. until 1st January, 1898; thereafter free.

154. Cod liver oil, 20 p. c. ad val.

OPIUM.

155. Opium, crude, the outward ball or covering to be free of duty, $1 p. lb.

156. Opium, powdered, $1.35 p. lb.

157. Opium, prepared for smoking, $5 p. lb.

COLORS, PAINTS, OILS, VARNISHES, ETC.

158. Dry white and red lead, orange mineral and zinc white, 5 p. c. ad val.

159. Ochres, ochrey earths, raw siennas, and colors, dry, n. e. s., 20 p. c. ad val.

160. Oxides, umbers, burnt siennas, and fire proofs, n. e. s.; laundry bluing of all kinds, rough stuff and dry and liquid fillers, anti-corrosive and anti-fouling paints commonly used for ships' hulls, and ground and liquid paints, n. e. s., 25 p.c. ad val.

161. Paints and colors, ground in spirits, and all spirit varnishes and lacquers, $1.12 1-2 p. gal.

162. Paris green, dry, 10 p. c. ad val.

163. Ink for writing, 20 p. c. ad val.

164. Blacking, shoe, and shoemakers' ink; shoe, harness and

leather dressing, harness soap, and knife or other polish or composition, n. o. p., 25 p. c. ad val.

165. Putty, of all kinds, 20 p. c. ad val.

166. Turpentine, spirits of, 5 p. c. ad val.

167. British gum, dextrine, sizing cream and enamel sizing, 10 p. c. ad val.

168. Varnishes, lacquers, japan driers, liquid driers, and oil finish, n. e. s., 20c p. gal. and 20 p. c. ad val.

169. Linseed or flaxseed oil, raw or boiled, lard oil, neatsfoot oil, and sesame seed oil, 25 p. c. ad val.

170. Illuminating oils composed wholly or in part of the products of petroleum, coal, shale, or lignite, costing more than thirty cents per gallon, 25 p. c. ad val.

171. Lubricating oils, composed wholly or in part of petroleum, costing less than twenty-five cents per gallon, 5c p. gal.

172. Crude petroleum, fuel and gas oils (other than naphtha, benzine or gasoline) when imported by manufacturers (other than oil refiners) for use in their own factories for fuel purposes or for the manufacture of gas, 2 1-2 cents per gal.

173. Oils, coal and kerosene distilled, purified or refined, naphtha and petroleum, and products of petroleum, n. e. s., 5c p. gal.

174. Barrels, containing petroleum or its products, or any mixture of which petroleum forms a part, when such contents are chargeable with a specific duty, 20c each.

175. Lubricating oils, n. e. s., and axle grease, 25 p. c. ad val.

176. Olive oil, n. e. s., 20 p. c. ad val.

177. Essential oils, 10 p. c. ad val.

178. Vaseline, and all similar preparations of petroleum for toilet, medicinal or other purposes, 35 p. c. ad val.

COAL.

179. Bituminous slack coal, such as will pass through a half-inch screen, subject to regulations to be made by the Controller of Customs, 20 p. c. ad val., but not to exceed 13 cents per ton of 2,000 pounds (being the equivalent of 15c per ton of 2,240 pounds): Provided that if the United States Congress fixes the duty on such slack coal at a rate not exceeding 15 cents per ton of 2,240 pounds, then the duty on such coal imported into Canada, as provided in this item, shall be the minimum duty on such coal from all countries, notwithstanding section seventeen of this Act, 20 p. c.

180. Coal, bituminous, round and run of mine, and coal, n. e. s., fifty-three cents per ton of 2,000 pounds (being the equivalent of sixty cents per ton of 2,240 pounds): Provided that if the United States Congress fixes the duty on such coal at a rate not exceeding forty cents per ton of 2,240 pounds, the Governor in Council may by proclamation reduce the duty mentioned in this item to forty cents per ton of 2,240 pounds, or the equivalent thereof per ton of 2,000 pounds, and the duty declared by such proclamation shall then be the minimum duty on such coal from all countries, notwithstanding section seventeen of this Act, 53 c. p. ton of 2,000 lbs.

EARTHENWARE, CEMENTS, SLATE AND STONEWARE.

181. Building brick, paving brick, stove linings, and fire brick, n. e. s., and manufactures of clay or cement, n. o. p., 20 p. c. ad val.

182. Earthenware and stoneware, viz.: demijohns, churns or crocks, 30 p. c. ad val.

183. Drain tiles, not glazed, 20 p. c. ad val.

184. Drain pipes, sewer pipes, chimney linings or vents, chimney tops and inverted blocks, glazed or unglazed, and earthenware tiles, 35 p. c. ad val.

185. China and porcelain ware, also earthenware and stoneware, brown or colored and Rockingham ware, white granite or iron stoneware, "c. c." or cream colored ware, decorated, printed or sponged, and all earthenware, n. e. s., 30 p. c. ad val.

186. Baths, tubs, and wash-stands of earthenware, stone, cement or clay, or of other material, n. o. p., 30 p. c. ad val.

187. Cement, Portland and hydraulic or water lime, in bags, barrels or casks, the weight of the package to be included in the weight for duty, twelve and one-half cents p. 100 lbs.

188. Plaster of Paris, or gypsum, ground, not calcined, 15 p. c. ad val.

189. Plaster of Paris, or gypsum, calcined or manufactured, the weight of the package to be included in the weight for duty, 12 1-2 c. p. 100 lbs.

190. Lithographic stones, not engraved, 20 p. c. ad val.

191. Grindstones, not mounted, and not less than thirty-six inches in diameter, 15 p. c. ad val.

192. Grindstones, n. e. s., 25 p. c. ad val.

193. Flagstone, sandstone and all building stone, not hammered or chiseled; and marble and granite, rough, not hammered or chiseled, 15 p. c. ad val.

194. Marble and granite, sawn only; flagstone and all other building stone, dressed; and paving blocks of stone, 20 p. c. ad val.

195. Marble and granite, n. e. s., and all manufactures of marble or granite, n. o. p., 35 p. c. ad val.

196. Manufactures of stone, n. o. p., 30 p. c. ad val.

197. Roofing slate, twenty-five per cent ad val.; provided that the duty shall not exceed seventy-five cents per square, 25 p. c.

198. Slate mantels and other manufactures of slate, n. e. s., 30 p. c. ad val.

199. Slate pencils and school writing slates, 25 p. c. ad val.

200. Mosaic flooring of any material, 30 p. c. ad val.

GLASS AND GLASSWARE.

201. Common and colorless window glass, and plain colored, opaque, stained or tinted, or muffled glass, in sheets, 20 p. c. ad val.

202. Ornamental, figured, and enameled colored glass, vitrified or painted, chipped, figured, enameled, and obscured white glass; stained glass windows, and memorial or ornamental window glass, n. o. p., and rough rolled plate glass, 30 p. c. ad val.

203. Plate glass, not beveled, in sheets or panes, not exceeding twenty-five square feet each, n. o. p., 25 p. c. ad val.

204. Plate glass, not beveled, in sheets or panes, n. e. s., 35 p. c. ad val.

205. Plate glass, beveled, in sheets or panes, n. o. p., 35 p. c. ad val.

206. Silvered glass, beveled or not and framed or not, 35 p. c. ad val.

207. German looking-glass plate (thin plate), unsilvered or for silvering, 20 p. c. ad val.

208. Glass demijohns or carboys, empty or filled, bottles, decanters, flasks, phials, glass jars and glass balls, lamp chimneys, glass shades or globes, cut, pressed or moulded crystal or glass tableware, decorated or not, and blown glass tableware, 30 p. c. ad val.

209. Bent plate or other sheet glass, and all other glass, and manufactures of glass, n. o. p., 20 p. c. ad val.

210. Spectacles and eyeglasses, 30 p. c. ad val.

211. Spectacle and eyeglass frames, and metal parts thereof, 20 p. c. ad val.

LEATHER, RUBBER AND MANUFACTURES OF.

212. Dongola, cordovan, calf, sheep, lamb, kid or goat, kangaroo, alligator, or other upper leather, and all leather, dressed, waxed, glazed, or further finished than tanned, n. e. s.; harness leather, and chamois skin, 17 1-2 p. c. ad val.

213. Skins for morocco leather, tanned but not further manufactured; sole leather, and belting leather, of all kinds; tanners' scrap leather; and leather and skins, n. o. p., 15 p. c. ad val.

214. Glove leathers, tanned or dressed, colored or uncolored, when imported by glove manufacturers for use in their own factories in the manufacture of gloves, 10 p. c. ad val.

215. Japanned, patent or enameled leather, and morocco leather, 25 p. c. ad val.

216. Leather board, leatheroid, and manufactures thereof, n. o. p., 25 p. c. ad val.

217. Whips of all kinds, including thongs and lashes, 35 p. c. ad val.

218. Belting, of leather or other material, n. e. s., 20 p. c. ad val.

219. Boots and shoes, and slippers, of any material, n. e. s., 25 p. c. ad val.

220. Manufactures of rawhide, and all manufactures of leather, n. o. p., 25 p. c. ad val.

221. India-rubber boots and shoes; and all manufactures of India-rubber and gutta percha, n. o. p., 25 p. c. ad val.

222. India-rubber clothing and clothing made waterproof with India-rubber, rubber or gutta percha hose, and cotton or linen hose lined with rubber, rubber mats or matting, and rubber packing, 35 p. c. ad val.

METALS AND MANUFACTURES OF.

223. Iron or steel scrap, wrought, being waste or refuse, including punchings, cuttings or clippings of iron or steel plates or sheets having been in actual use; crop ends of tin plate bars,

or of blooms, or of rails, the same not having been in actual use, $1.00 p. ton.

Nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel fit only to be re-manufactured in rolling mills.

224. Iron in pigs, iron kentledge, and cast scrap iron, $2.50 p. ton.

225. Ferro-silicon, ferro-manganese, and spiegeleisen, 5 p. c. ad val.

226. Iron or steel ingots, cogged ingots, blooms, slabs, billets, puddled bars and loops or other forms, n. o. p., less finished than iron or steel bars but more advanced than pig iron, except castings, $2.00 p. ton.

227. Rolled iron or steel angles, tees, beams, channels, girders and other rolled shapes or sections, weighing less than thirty-five pounds per lineal yard, not punched, drilled or further manufactured than rolled, n. o. p., $7.00 p. ton.

228. Rolled iron or steel angles, tees, beams, channels, joists, girders, zees, stars or other rolled shapes, or trough, bridge, building or structural rolled sections or shapes, not punched, drilled or further manufactured than rolled, n. e. s., and flat eye-bar blanks not punched or drilled, 10 p. c. ad val.

229. Bar iron or steel, rolled, whether in coils, rods, bars or bundles, comprising rounds, ovals and squares, and flats; and rolled shapes, n. o. p.; and rolled iron or steel hoop, band, scroll or strip, eight inches or less in width, number eighteen gauge and thicker, n. e. s., $7.00 p. ton.

230. Universal mill or rolled edge bridge plates of steel when imported by manufacturers of bridge, 10 p. c. ad val.

231. Rolled iron or steel plates not less than thirty inches in width, and not less than one-quarter of an inch in thickness, n. o. p., 10 p. c. ad val.

232. Rolled iron or steel sheets or plates, sheared or unsheared, and skelp iron or steel, sheared or rolled in grooves, n. e. s., $7.00 p. ton.

233. Skelp iron or steel, sheared or rolled in grooves, when imported by manufacturers of wrought iron or steel pipe for use only in the manufacture of wrought iron or steel pipe in their own factories, 5 p. c. ad val.

234. Rolled iron or steel sheets number seventeen gauge, and thinner, n. o. p.; Canada plates; Russia iron; flat galvan-

ized iron or steel sheets, terne plate, and rolled sheets of iron or steel coated with zinc, spelter or other metal, of all widths or thickness n. o. p., and rolled iron or steel hoop, band, scroll or strip, thinner than number eighteen gauge, n. e. s., 5 p. c. ad val.

235. Chrome steel, 15 p. c. ad val.

236. Steel, in bars, bands, hoops, scroll or strips, sheets or plates, of any size, thickness or width, when of greater value than two and one-half cents per pound, n. o. p., 5 p. c. ad val.

237. Swedish rolled iron and Swedish rolled steel nail rods under half an inch in diameter for the manufacture of horse-shoe nails, 15 p. c. ad val.

238. Iron and steel railway bars or rails of any form, punched or not, n. e. s., for railways, which term for the purposes of this item shall include all kinds of railways, street railways and tramways, even although they are used for private purposes only, and even although they are not used or intended to be used in connection with the business of common carrying of goods or passengers, 30 p. c. ad val.

239. Railway fish plates and tie plates, $8.00 p. ton.

240. Switches, frogs, crossings and intersections for railways, 30 p. c. ad val.

241. Locomotives for railways, n. e. s., 35 p. c. ad val.

242. Iron or steel bridges, or parts thereof; iron or steel structural work, columns, shapes or sections, drilled, punched, or in any further stage of manufacture than as rolled or cast, n. e. s., 35 p. c. ad val.

243. Forgings of iron or steel of whatever shape or size or in whatever stage of manufacture, n. e. s.; and steel shafting, turned, compressed, or polished; and hammered iron or steel bars or shapes, n. o. p., 30 p. c. ad val.

244. Iron or steel castings, in the rough, n. e. s., 25 p. c. ad val.

245. Stove plates, stoves of all kinds, for oil, gas, coal or wood, or parts thereof, and sad or smoothing, hatters' and tailors' irons, plated wholly or in part, or not, 25 p. c. ad val.

246. Springs, axles, axle bars, n. e. s., and axle blanks, and parts thereof, of iron or steel, for railway or tramway, or other vehicles, 35 p. c. ad val.

247. Cart or wagon skeins or boxes, 30 p. c. ad val.

248. Cast iron pipe of every description, $8.00 per ton.

249. Wrought iron or steel boiler tubes, n. e. s., including flues and corrugated tubes for marine boilers, 5 p. c. ad val.

250. Tubes of rolled steel, seamless not joined or welded, not more than one and one-half inch in diameter; and seamless steel tubes for bicycles, 10 p. c. ad val.

251. Wrought iron or steel tubing, plain or galvanized, threaded and coupled or not, over two inches in diameter, n. e. s., 15 p. c. ad val.

252. Wrought iron or steel tubing, plain or galvanized, threaded and coupled or not, two inches or less in diameter, n. e. s., 35 p. c. ad val.

253. Other iron or steel pipe or tubing, plain or galvanized, riveted, corrugated or otherwise specially manufactured, n. o. p., 30 p. c. ad val.

254. Iron or steel fittings for iron or steel pipe, of every description, and chilled iron or steel rolls, 30 p. c. ad val.

255. Iron or steel cut nails and spikes (ordinary builders) and railroad spikes, 1·2 c. p. lb.

256. Wrought and pressed nails and spikes, trunk, clout, coopers', cigar box, Hungarian, horseshoe, and other nails, n.e.s.; horse, mule and ox shoes, 30 p. c. ad val.

257. Wire nails of all kinds, n. o. p., 3·5 c. p. lb.

258. Composition nails and spikes and sheathing nails, 15 p. c. ad val.

259. Iron or steel shoe tacks, and ordinary cut tacks, leathered or not, brads, sprigs and shoe nails, double pointed tacks, and other tacks of iron and steel, n.o.p., 35 p. c. ad val.

260. Screws, commonly called "wood screws," of iron or steel, brass or other metal, including lag or coach screws, plated or not, and machine or other screws, n.o.p., 35 p. c. ad val.

261. Coil chain, coil chain links, and chain shackles, of iron or steel, five-sixteenths of an inch in diameter and over, 5 p. c. ad val.

262. Barbed wire; and galvanized wire for fencing, numbers nine, twelve and thirteen gauge, 15 p. c ad val, until 1st January, 1898; thereafter free.

263. Buckthorn strip fencing, woven wire fencing, and wire fencing of iron or steel, n.e.s., 15 p. c. ad val.

264. Wire, single or several, covered with cotton, linen, silk, rubber or other material, including cable so covered, n.e.s., 30 p. c. ad val.

265. Brass wire, plain, 10 p. c ad val.

266. Copper wire, plain, tinned or plated, 15 p. c. ad val.

267. Wire cloth, or woven wire of brass or copper, 25 p. c. ad val.

268. Wire of all metals and kinds, n.o.p., 20 p. c. ad val.

269. Wire rope, stranded or twisted wire, clothes line, picture or other twisted wire and wire cable, n.e.s., 25 p. c. ad val.

270. Wire cloth or wove wire, and wire netting, of iron or steel, 30 p. c. ad val.

271. Needles, of any material or kind, and pins manufactured from wire of any metal, n.o.p., 30 p. c. ad val.

272. Lead, old, scrap, pig and block, 15 p. c. ad val.

273. Lead, in bars, and in sheets, 25 p. c. ad val.

274. Lead pipe, lead shot and lead bullets, 35 p. c. ad val.

275. Lead, manufacturers of, n.o.p., 30 p. c. ad val.

276. Brass and copper nails, tacks, rivets and burrs or washers; bells and gongs, n.e.s., and all manufactures of brass or copper, n.o.p., 30 p. c. ad val.

277. Zinc, manufactures of, n.o.p., 25 p. c. ad val.

278. Nickel anodes, 10 p. c. ad val.

279. Iron or steel nuts, washers, rivets, and bolts, with or without threads, and nut, bolt and hinge blanks, and T and strap hinges of all kinds, n.e.s., 3·4 c. p. lb. and 25 p. c. ad val.

280. Builders', cabinet-makers', upholsterers', harness-makers', saddlers', and carriage hardware, including butt-hinges, locks, curry combs or curry cards, horse-boots, harness and saddlery, n. e. s., 30 p. c. ad val.

281. Skates of all kinds, roller or other, and parts thereof, 35 p. c. ad val.

282. Gas meters, 35 p. c. ad val.

283. Safes, doors for safes and vaults; scales, balances, weighing beams, and strength-testing machines of all kinds, 30 p. c. ad val.

284. Carvers, knives and forks of steel, butcher and table steels, oyster, bread, kitchen, cooks', butcher, shoe, farrier, putty, hacking and glaziers' knives, cigar knives, spatuals or palette knives, razors, erasers or office knives, pen, pocket, pruning, sportsmen's or hunter's knives, manicure files, scissors, trimmers, barbers', tailors' and lamp shears, horse and

toilet clippers, and all like cutlery, 'plated or not, n.o.p.,—when any of the above articles are imported in cases or cabinets, the cases or cabinets shall be dutiable at the same rate as their contents,—30 p. c. ad val.

285. Knife blades or blanks, and table forks of iron or steel in the rough, not handled, filed, ground or otherwise manufactured, 10 p. c. ad val.

286. Celluloid, moulded into sizes for handles of knives and forks, not bored or otherwise manufactured; also, moulded celluloid balls and cylinders, coated with tin-foil or not, but not finished or further manufactured, and celluloid lamp shade blanks, 10 p. c. ad val.

287. Bird, parrot, squirrel and rat cages, of wire, and metal parts thereof, 35 p. c. ad val.

288. Files and rasps, n. e. s., 30 p. c. ad val.

289. Adzes, cleavers, hatchets, saws, wedges, sledges, hammers, crow-bars, cant-dogs and track tools; picks, mattocks, and eyes or poles for the same; anvils, vices; and tools, of all kinds, for hand or for machine use, including shoemakers' and tinsmiths' tools or bench machines, n. o. p., 30 p. c. ad val.

290. Axes, scythes, sickles or reaping hooks, hay or straw knives, edging knives, hoes, rakes, pronged forks, snaths, farm, road or field rollers, post hole diggers, and other agricultural implements, n. e. s., 25 p. c. ad val.

291. Shovels and spades, iron or steel, n. e. s.; shovel and spade blanks, and iron or steel cut to shape for the same; and lawn mowers, 35 p. c. ad val.

292. Britannia metal, nickel silver, Nevada and German silver, manufactures of, not plated, and manufactures of aluminum, n. o. p., 25 p. c. ad val.

293. Sterling or other silverware, nickel-plated ware, gilt or electro-plated ware, wholly or in part, of all kinds, n. e. s., 30 p. c. ad val.

294. Telephone and telegraph instruments, electric and galvanic batteries, electric motors, dynamos, generators, sockets, insulators of all kinds; and electric apparatus, n. e. s., 25 p. c. ad val.

295. Electric light carbons and carbon points, of all kinds, n. e. s., 35 p. c. ad val.

296. Carbons over six inches in circumference, 15 p. c. ad val.

297. Lamps, side-lights and headlights, lanterns, chandeliers, gas, coal or other oil fixtures and electric light fixtures, or metal parts thereof, including lava or other tips, burners, collars, galleries, shades and shade holders, 30 p. c. ad val.

298. Lamp springs, and glass bulbs for electric lights, 10 p. c. ad val.

299. Babbit metal, type metal, phosphor tin and phosphor bronze in blocks, bars, plates, sheets and wire, 10 p. c. ad val.

300. Type for printing, including chases, quoins and slugs, of all kinds, 20 p. c. ad val.

301. Plates engraved on wood, steel, or other metal, and transfers taken from the same, including engravers' plates of steel, polished, engraved or for engraving thereupon, 20 p. c. ad val.

302. Stereotypes, electrotypes, and celluloids for almanacs, calendars, illustrated pamphlets, newspaper advertisements or engravings, and all other like work for commercial, trade or other purposes, n. e. s., and matrices or copper shells for the same, 1 1-2 c. p. sq. in.

303. Stereotypes, electrotypes and celluloids of newspaper columns, and bases for the same, composed wholly or partially of metal or celluloid, 1-4 c. p. sq. in.

And matrices or copper shells for the same, 1 1-2 c. p. sq. in.

304. Clothes wringers for domestic use, and parts thereof, 35 p. c. ad val.

305. Buckles of iron, steel, brass or copper, of all kinds, n. o. p. (not being jewelry), 30 p. c. ad val.

306. Guns, rifles, including air guns and air rifles not being toys, muskets, cannons, pistols, revolvers, or other firearms; cartridge cases, cartridges, primers, percussion caps, wads, or other ammunition, n. o. p., bayonets, swords, fencing foils and masks; gun or pistol covers or cases, game bags, loading tools and cartridge belts of any material, 30 p. c. ad val.

307. Agate, granite or enameled iron or steel hollow-ware, 35 p. c. ad val.

308. Enameled iron or steel ware, n. e. s.; iron or steel hollow-ware, plain black, tinned or coated; and nickel and aluminum kitchen or household hollow-ware, n. e. s., 30 p. c. ad val.

309. Tinware, plain, japanned or lithographed, and all manufactures of tin, n. e. s., and manufactures of galvanized sheet iron, or of galvanized sheet steel, n. o. p., 25 p. c. ad val.

310. Signs, of any material, framed or not; and letters of any material for signs or similar use, 30 p. c. ad val.

311. Fire engines and fire extinguishing machines, including sprinklers for fire protection, 35 p. c. ad val.

312. Brass pumps of all kinds, and garden or lawn sprinklers, 30 p. c. ad val.

313. Printing presses, printing machines, lithographic presses and type-making accessories therefor; folding machines, bookbinders' book-binding, ruling, embossing and paper cutting machines, and parts thereof, 10 p. c. ad val.

314. Sewing-machines, and parts thereof, 30 p. c. ad val.

315. Steam engines, boilers, ore crushers and rock crushers, stamp mills, Cornish and belted rolls, rock drills, air compressors, cranes, derricks, percussion coal cutters, pumps, n. e. s., windmills, horse-powers, portable engines, threshers, separators, fodder or feed cutters, potato diggers, grain crushers, fanning mills, hay tedders, farm wagons, slot machines and typewriters, and all machinery composed wholly or in part of iron or steel, n. o. p., 25 p. c. ad val.

316. Machine card clothing, 25 p. c. ad val.

317. Mould boards or shares, or plow plates, land sides, and other plates for agricultural implements, when cut to shape from rolled plates of steel but not moulded, punched, polished or otherwise manufactured, 5 p. c. ad val.

318. Mowing machines, harvesters self-binding or without binders, binding attachments, reapers, cultivators, plows, harrows, horse-rakes, seed-drills, manure spreaders, weeders, and malleable sprocket or link belting chain for binders, 20 p. c. ad val.

319. Trawls, trawling spoons, fly hooks, sinkers, swivels, and sportsmen's fishing bait, and fish hooks, n. e. s., 30 p. c. ad val.

320. Patterns of brass, iron, steel or other metal (not being models), 30 p. c. ad val.

321. Manufactures, articles or wares not specially enumerated or provided for, composed wholly or in part of iron or steel, and whether wholly or partly manufactured, 30 p. c. ad val.

VEHICLES.

322. Freight wagons, drays, sleighs and similar vehicles, 25 p. c. ad val.

323. Buggies, carriages, pleasure carts and similar vehicles, n. e. s., including cutters, children's carriages and sleds, and finished parts thereof, n. o. p., 35 p.c. ad val.

324. Railway cars (or other cars), wheelbarrows, trucks, road or railway scrapers and hand carts, 30 p. c. ad val.

325. Bicycles and tricycles, 30 p. c. ad val.

MANUFACTURES OF WOOD, CANE, CORK.

326. Cane, reed or rattan, split or otherwise manufactured, n. o. p., 15 p. c. ad val.

327. Corks, and other manufactures of cork wood or cork bark, n. o. p., 20 p. c. ad val.

328. Sawed boards, planks and deals planed or dressed on one or both sides, when the edges thereof are jointed or tongued and grooved, 25 p. c. ad val.

329. Lumber and timber, manufactured, n. e. s., 20 p. c. ad val.

330. Pails and tubs of wood; churns, brooms and whisks, wash-boards, pounders and rolling pins, 20 p. c. ad val.

331. Veneers of wood, not over three thirty-seconds of an inch in thickness, 7 1-2 p. c. ad val.

332. Mouldings of wood, plain, gilded or otherwise further manufactured, 25 p. c. ad val.

333. Wood pulp, 25 p. c. ad val.

334. Manufactures of wood, n. o. p., 25 p. c. ad val.

335. Fishing rods, walking sticks and walking canes, of all kinds, n. e. s., 30 p. c. ad val.

336. Picture frames and photograph frames, of any material, 30 p. c. ad val.

337. Umbrella, parasol and sunshade sticks or handles, n. e. s., 20 p. c. ad val.

338. Coffins and caskets, and metal parts thereof, 25 p. c. ad val.

339. Show-cases, of all kinds, and metal parts thereof, 35 p. c. ad val.

340. Billiard tables, with or without pockets, and bagatelle tables or boards, cues, balls, cue-racks, and cue-tips, 35 p. c. ad val.

341. Vulcanized fiber, kartavert, indurated fiber, and like material, and manufactures of, n. e. s., 25 p. c. ad val.

342. Blinds of wood, metal or other material, not textile or paper, 30 p. c. ad val.

343. House, office, cabinet or store furniture of wood, iron, or other material, in parts or finished; wire screens, wire doors and wire windows; cash registers; window cornices and cornice poles of all kinds; hair, spring and other mattresses, bolsters and pillows, including furniture springs and carpet sweepers, 30 p. c. ad val.

344. Window shade or blind rollers, 35 p. c. ad val.

JEWELRY AND MATERIAL THEREFOR, ETC.

345. Watch cases, 30 p. c. ad val.

346. Clocks, watches, watch glasses, clock and watch keys, and clock movements, 25 p. c. ad val.

347. Watch actions and movements, 10 p. c. ad val.

348. Precious stones, n. e. s., polished, but not set, pierced or otherwise manufactured, and imitations thereof, 10 p. c. ad val.

349. Composition metal for the manufacture of jewelry and filled gold watch cases, 10 p. c. ad val.

350. Jewelry, for the adornment of the person, including hat pins, hair pins, belt or other buckles, and similar personal ornamental articles commercially known as jewelry, n. o. p., and all manufactures of gold and silver, n. e. s., 30 p. c. ad val.

351. Fancy writing desks, fancy cases for jewelry, watches, silverware, plated ware and cutlery; glove, handkerchief and collar boxes or cases, brush or toilet cases, and all fancy cases for similar fancy articles, of any material; fans, dolls and toys of all kinds; ornaments of alabaster, spar, amber, terra cotta or composition; statuettes and bead ornaments, n. e. s., 35 p. c. ad val.

352. Gold, silver and aluminum leaf, Dutch or schlag metal leaf; brocade and bronze powders and gold liquid paint, 25 p. c. ad val.

MINERALS.

353. Asbestos in any form other than crude, and all manufactures thereof, 25 p. c. ad val.

354. Plumbago, not ground or otherwise manufactured, 10 p. c. ad val.

355. Plumbago, ground, and manufactures of, n. e. s., and foundry facings of all kinds, 25 p. c. ad val.

MUSICAL INSTRUMENTS.

356. Pianofortes, organs and musical instruments of all kinds, 30 p. c. ad val.

357. Brass band instruments, parts of pianofortes and parts of organs, 25 p. c. ad val.

Provided that musical instrument cases shall be dutiable at the same rate as their contents when imported containing the instruments.

TEXTILES, HATS, FURS, ETC.

358. Cotton batts, batting and sheet wadding, cotton warps and cotton yarns, dyed or not, n. e. s., 25 p. c. ad val.

359. Cotton fabrics, white or gray, bleached or unbleached, n. o. p., 25 p. c. ad val.

360. Cotton fabrics, printed, dyed or colored, n. o. p., 35 p. c. ad val.

361. Damask of linen, stair linen, diaper, napkins, doylies, table and tray cloths, sheets, quilts, towels, and like articles of linen or cotton, or of linen and cotton combined, made up or not, n. o. p., 30 p. c. ad val.

362. Embroideries, n. e. s., laces, braids, fringes, cords, elastic, round or flat; garter elastic, tassels and bracelets, n. o. p., braids, chains, cords, or other manufactures of hair, n. e. s.; handkerchiefs of all kinds; lace collars and all similar lace goods; lace nets and nettings of cotton, linen, silk or other material; shams, curtains, when made up, trimmed or untrimmed; regalia, badges and belts of all kinds, n. o. p.; linen, silk and cotton clothing, and all other articles made up by the seamstress from linen or cotton fabrics, n. o. p., corsets of all kinds, corset clasps, busks, blanks and steels, and covered corset wires, cut to lengths, tipped or untipped, 35 p. c. ad val.

363. White cotton embroideries, 25 p. c. ad val.

364. Jeans, sateens and coutils, when imported by corset and dress stay makers for use in the manufacture of such articles in their own factories, 20 p. c. ad val.

365. Collars and cuffs, of cotton, linen, xylonite, xyolite or celluloid, 35 p. c. ad val.

366. Shirts of any material, and ladies' or misses' blouses and shirt waists, 35 p. c. ad val.

367. Crapes, black, 20 p. c. ad val.

368. Velvets, velveteens, silk velvets, plush and silk fabrics, 30 p. c. ad val.

369. Ribbons of all kinds and materials, and manufactures of silk or of which silk is the component part of chief value, n. e. s., 35 p. c. ad val.

370. Cotton sewing thread in hanks, three and six cord, 15 p. c. ad val.

371. Cotton sewing thread and crochet cotton, on spools or tubes or in balls, and all other cotton thread, n. e. s., 25 p. c. ad val.

372. Silk in the gum, or spun, not more advanced than singles, tram and thrown organzine, not colored, 15 p. c. ad val.

373. Sewing and embroidery silk, and silk twist, 25 p. c. ad val.

374. Jute cloth, uncolored, not otherwise finished than bleached or calendered, 10 p. c. ad val.

375. Horse clothing of jute, shaped or otherwise manufactured, 30 p. c. ad val.

376. All manufactures of hemp, flax or jute, n. e. s., or of flax, hemp and jute combined, 25 p. c. ad val.

377. Bags or sacks of hemp, linen or jute, and cotton seamless bags, 20 p. c. ad val.

378. Felt, pressed, of all kinds, not filled or covered by or with any woven fabric, 20 p. c. ad val.

379. Hair-cloth of all kinds, 30 p. c. ad val.

380. Sails for boats and ships, 25 p. c. ad val.

381. Cloths, not rubbered or made water-proof, whether of wool, cotton, unions, silk or ramie, sixty inches or over in width and weighing not more than seven ounces to the square yard, when imported exclusively for the manufacture of mackintosh clothing, under regulations to be adopted by the Governor in Council, 15 p. c. ad val.

382. Featherbone, plain or covered, in coils, 20 p. c. ad val.

383. Stockinettes for the manufacture of rubber boots and shoes, when imported by manufacturers of rubber boots and

shoes, for use exclusively in the manufacture thereof in their own factories, 15 p. c. ad val.

384. Cotton duck, gray or white, n. e. s., 22 1-2 p. c. ad val.

385. Oiled silk and oiled cloth, and tape or other textile india-rubbered, flocked or coated, n. o. p., 30 p. c. ad val.

386. Women's and children's dress goods, coat linings, Italian cloths, alpacas, orleans, cashmeres, henriettas, serges, buntings, nun's cloth, bengalines, whip cords, twills, plains or jacquards of similar fabrics, composed wholly or in part of wool, worsted, the hair of the camel, alpaca, goat, or like animal, not exceeding in weight six ounces to the square yard, when imported in the gray or unfinished state for the purpose of being dyed or finished in Canada, under such regulations as are established by the Governor in Council, 25 p. c. ad val.

387. Socks and stockings of all kinds, 35 p. c. ad val.

388. Knitted goods, n. e. s., undershirts and drawers, and hosiery of all kinds, n. e. s., 35 p. c. ad val.

389. Shawls of all kinds; railway or traveling rugs and lap dusters of all kinds, 30 p. c. ad val.

390. Wool, viz.: Leicester, Cotswold, Lincolnshire, Southdown combing wools, or wools known as lustre wools and other like combing wools, such as are grown in Canada, 3c per lb.

391. Worsted tops made from such wools as are mentioned in the next preceding item, 15 p. c. ad val.

392. Yarns, woolen and worsted, n. e. s., 30 p. c. ad val.

393. Yarns, composed wholly or in part of wool, worsted, the hair of the alpaca, goat or like animal, costing thirty cents per pound and over, when imported on the cop or tube or in the hank by manufacturers of woolen goods for use in their products, 20 p. c. ad val.

394. Fabrics, manufactures, wearing apparel and ready-made clothing, composed wholly or in part of wool, worsted, the hair of the alpaca, goat or other like animal, n. e. s.; blankets, bed-comforters, or counterpanes, flannels, cloths, doe-skins, cassimeres, tweeds, coatings, overcoatings and felt cloth, n. e. s., 35 p. c. ad val.

395. Mats, door or carriage, n. e. s., 35 p. c. ad val.

396. Carpeting rugs, mats, and matting of cocoa, straw, hemp or jute, carpet linings and stair pads, 25 p. c. ad val.

397. Turkish or imitation Turkish or other rugs or carpets; and carpets, n. e. s., 35 p. c. ad val.

398. Enameled carriage, floor, shelf, and table oilcloth, linoleum, and cork matting or carpets, 30 p. c. ad val.

399. Window shades in the piece or cut and hemmed or mounted on rollers, n. e. s., 35 p. c. ad val.

400. Webbing, elastic and non-elastic, 20 p. c. ad val.

401. Umbrellas, parasols and sunshades of all kinds and materials, 35 p. c. ad val.

402. Gloves and mitts, of all kinds, 35 p. c. ad val.

403. Hats, caps and bonnets, n. e. s., and hat, cap and bonnet shapes, 30 p. c. ad val.

404. Braces or suspenders, and metal parts thereof, 35 p. c. ad val.

405. Boot, shoe and stay laces of any material, 30 p. c. ad val.

406. Fur skins, wholly or partially dressed, 15 p. c. ad val.

407. Caps, hats, muffs, tippets, capes, coats, cloaks and other manufactures of fur, n. o. p., 30 p. c. ad val.

408. Church vestments of any material, 20 p. c. ad val.

SUNDRIES.

409. Ships and other vessels, built in any foreign country, whether steam or sailing vessels, on application for Canadian register, on the fair market value of the hull, rigging, machinery and all appurtenances; on the hull, rigging and all appurtenances, except machinery, ten per cent ad val.; on the boilers, steam engines and other machinery, 25 p. c. ad val.

410. Canoes, skiffs, or open pleasure sail-boats, of any material, 25 p. c. ad val.

411. Canvas, and sail twine of hemp and flax, when to be used for boats' and ships' sails, 5 p. c. ad val.

412. Blasting and mining powder, 2c per lb.

413. Cannon, musket, rifle, gun and sporting powder and canister powder, 3c per lb.

414. Nitro-glycerine, giant powder, nitro and other explosives, 3c per lb.

415. Glycerine, when imported by manufacturers of explosives, for use in the manufacture thereof in their own factories, 10 p. c. ad val.

416. Torpedoes, firecrackers, and fireworks of all kinds, 25 p. c. ad val.

417. Fertilizers, compounded or manufactured, 10 p. c. ad val.

418. Lamp wicks, 25 p. c. ad val.

419. Photographic dry plates, 30 p. c. ad val.

420. Emery wheels, and manufactures of emery, 25 p. c. ad val.

421. Lead pencils, pens, penholders and rulers of all kinds, 25 p. c. ad val.

422. Magic lanterns and slides therefor, philosophical, photographic, mathematical and optical instruments, n. e. s., cyclometers and pedometers, and tape lines of any material, 25 p. c. ad val.

423. Tobacco pipes of all kinds, pipe mounts, cigar and cigarette cases, cigar and cigarette holders, and cases for the same, smokers' sets and cases therefor, and tobacco pouches, 35 p. c. ad val.

424. Trunks, valises, hat boxes, carpet bags, tool bags or baskets, satchels, reticules, musical instrument cases, purses, portmanteaux, pocket-books, fly books, and parts thereof, n. o. p., and baskets of all kinds, 30 p. c. ad val.

425. Frames, clasps and fasteners for purses and chatelaine bags or reticules not more than seven inches in width, when imported by manufacturers of purses and chatelaine bags or reticules, for use in the manufacture thereof, in their own factories, 20 p. c. ad val.

426. Buttons, viz.:—Pantaloon buttons wholly of metal, and shoe buttons, n. e. s., 25 p. c. ad val.

Buttons of all kinds covered or not, n. o. p., including recognition buttons, and cuff or collar buttons (not being jewelry), 35 p. c. ad val.

427. Combs for dress and toilet, including mane combs, of all kinds, 35 p. c. ad val.

428. Brushes, of all kinds, 25 p. c. ad val.

429. Hair, curled or dyed, 20 p. c. ad val.

430. Artificial flowers, 25 p. c. ad val.

431. Twine and cordage of all kinds, n. e. s., 25 p. c. ad val.

432. Rove, when imported for the manufacture of twine for harvest binders, 5 p. c. ad val.

433. Binders' twine or twine for harvest binders of hemp, jute, manilla or sisal, and of manilla and sisal mixed, 10 p. c. ad val. until 1st January, 1898; thereafter to be free.

434. Hammocks, lawn tennis nets, sportsmen's fish nets, and other articles manufactured of twine, n. o. p., 30 p. c. ad val.

SUGAR, SYRUPS AND MOLASSES.

435. All sugar above number sixteen Dutch standard in color, and all refined sugars of whatever kinds, grades or standards, 1c per lb.

436. Sugar, n. e. s., not above number sixteen Dutch standard in color, sugar drainings, or pumpings drained in transit, melado or concentrated melado, tank bottoms and sugar concrete, the usual packages in which imported to be free, 1-2c per lb.

437. Glucose or grape sugar, glucose syrup and corn syrup, or any syrups containing any admixture thereof, 3-4c per lb.

438. Sugar candy, brown or white, and confectionery, including sweetened gums, candied peel and pop-corn, 1-2c per lb. and 35 p. c. ad val.

439. Maple sugar, and maple sprup, 20 p. c. ad val.

440. Syrups and molasses of all kinds, n. o. p., the product of the sugar cane or beet, n. e. s., and all imitations thereof or substitutes therefor, 3-4c per lb.

441. Molasses produced in the process of the manufacture of cane sugar from the juice of the cane without any admixture with any other ingredient, when imported in the original package in which it was placed at the point of production and not afterwards subjected to any process of treating or mixing, the package in which imported, when of wood, to be free—

(a.) Testing by polariscope forty degrees or over, 1 3-4c per gal.

(b.) When testing by polariscope less than forty degrees and not less than thirty-five degrees, 1 3-4c per gal., and in addition thereto one cent per gallon for each degree or fraction of a degree less than forty degrees, 1c additional per degree.

TOBACCO, AND MANUFACTURES OF.

442. Cigars and cigarettes, the weight of the cigarettes to include the weight of the paper covering, $3 per lb., and 25 p. c. ad val.

443. Cut tobacco, 55c per lb.

444. Manufactured tobacco, n. e. s., and snuff, 50c per lb.

445. Foreign leaf raw tobacco, unstemmed, unmanufactured, for excise purposes, under conditions of the Inland Revenue Act, after 30th June, 1897, 10c per lb., to be computed on the weight when ex-warehoused.

446. Foreign raw leaf tobacco, stemmed, unmanufactured, for excise purposes, under conditions of the Inland Revenue Act, after 30th June, 1897, 14c per lb., to be computed on the weight when ex-warehoused.

UNENUMERATED GOODS.

447. All goods not enumerated in this Act as subject to any other rate of duty, nor declared free of duty by this Act, and not being goods the importation whereof is by this Act or any other Act prohibited, shall be subject to a duty of 20 p. c. ad val.

SCHEDULE B.

FREE GOODS.

448. Articles for the use of the Governor-General.

449. Articles when imported by and for the use of the Army and Navy, viz.: Arms, military or naval clothing, musical instruments for bands, military stores and munitions of war; also articles consigned direct to officers and men on board vessels of Her Majesty's navy, for their own personal use or consumption.

450. Articles imported by or for the use of the Dominion Government, or of any of the departments thereof, or by and for the Senate or House of Commons, including the following articles when imported by the said Government or through any of the Departments thereof for the use of the Canadian militia: Military clothing, musical instruments for military bands, military stores and munitions of war.

451. Articles for the personal or official use of Consuls-General who are natives or citizens of the country they represent and who are not engaged in any other business or profession.

452. Travelers' baggage, under regulations prescribed by the Controller of Customs.

453. Carriages for travelers and carriages laden with merchandise and not to include circus troupes or hawkers, under regulations prescribed by the Controller of Customs.

454. Apparel, wearing and other personal and household effects, not merchandise, of British subjects dying abroad, but domiciled in Canada; books, pictures, family plate or furniture, personal effects and heirlooms left by bequest.

455. Settlers' effects, viz.: Wearing apparel, household furniture, books, implements and tools of trade, occupation or employment, guns, musical instruments, domestic sewing machines, typewriters, live stock, bicycles, carts and other vehicles and agricultural implements in use by the settler for at least six months before his removal to Canada, not to include machinery, or articles imported for use in any manufacturing establishment, or for sale; provided that any dutiable article entered as settlers' effects may not be so entered unless brought with the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty, until after twelve months' actual use in Canada; provided also, that under regulations made by the Controller of Customs, live stock, when imported into Manitoba or the Northwest Territories by intending settlers, shall be free until otherwise ordered by the Governor in Council.

456. Animals and articles brought into Canada temporarily and for a period not exceeding three months, for the purpose of exhibition or of competition for prizes offered by any agricultural or other association (but a bond shall be first given in accordance with regulations prescribed by the Controller of Customs, with the condition that the full duty to which such animals or articles would otherwise be liable shall be paid in case of their sale in Canada, or if not re-exported within the time specified in such bond).

457. Horses, cattle, sheep, swine and dogs, for the improvement of stock, under regulations made by the Treasury Board and approved by the Governor in Council.

458. Menageries, horses, cattle, carriages and harness of, under regulations prescribed by the Controller of Customs.

459. Admiralty charts.

460. Typewriters, tablets with movable fixtures, and musi-

cal instruments, when imported by and for the use of schools for the blind, and being and remaining the sole property of the governing bodies of the said schools and not of private individuals; the above particulars to be verified by special affidavit on each entry when presented.

461. Globes, geographical, topographical and astronomical; maps and charts for the use of schools for the blind; pictorial illustrations of insects or similar studies, when imported for the use of colleges, schools and scientific and literary societies; manuscripts and insurance maps, and album insides of paper.

462. Philosophical instruments and apparatus—that is to say, such as are not manufactured in Canada, when imported for use in universities, colleges, schools, scientific societies, and public hospitals.

463. Botanical and entomological specimens; mineralogical specimens; skins of birds, and skins of animals not natives of Canada, for taxidermic purposes, not further manufactured than prepared for preservation; fish skins; and anatomical preparations and skeletons or parts thereof; and specimens, models and wall diagrams for illustration of natural history for universities and public museums.

464. Books, viz.: Books on the application of science to industries of all kinds, including books on agriculture, horticulture, forestry, fish and fishing, mining, metallurgy, architecture, electric and other engineering, carpentry, ship building, mechanism, dyeing, bleaching, tanning, weaving and other mechanic arts, and similar industrial books; also books printed in any language other than the English and French languages, or in any two languages not being English and French, or in any three or more languages; and Bibles, prayer-books, psalm and hymn-books, religious tracts, and Sunday-school lesson pictures.

465. Books, embossed, for the blind, and books for the instruction of the deaf and dumb and blind.

466. Books printed by any government or by any association for the promotion of science or letters, and official annual reports of religious or benevolent associations, and issued in the course of the proceedings of the said associations, to their members, and not for the purpose of sale or trade.

467. Books, not printed or reprinted in Canada, which are

included and used as text-books in the curriculum of any university, incorporated college or normal school in Canada; books specially imported for the bona fide use of incorporated mechanics' institutes, public libraries, libraries of universities, colleges and schools, or for the library of any incorporated medical, law, literary, scientific or art association or society, and being the property of the organized authorities of such library, and not in any case the property of individuals—the whole under regulations to be made by the Controller of Customs—Provided that importers of books who have sold the same for the purpose mentioned in this item, shall, upon proof of sale and delivery for such purpose, be entitled to a refund of any duty paid thereon.

468. Books, bound or unbound, which have been printed and manufactured more than twelve years.

469. Newspapers, and quarterly, monthly and semi-monthly magazines, and weekly literary papers, unbound; and tailors', milliners' and mantle makers' fashion plates.

470. Paintings in oil or water colors, by artists of well-known merit, or copies of the old masters by such artists; and paintings, in oil or water colors, the production of Canadian artists, under regulations to be made by the Controller of Customs.

471. Clothing and books, donations of, for charitable purposes, and photographs, not exceeding three, sent by friends and not for the purpose of sale.

472. Life-boats and life-saving apparatus specially imported by societies established to encourage the saving of human life.

473. Coins, cabinets of, collections of medals and of other antiquities including collections of postage stamps; gold and silver coins, except United States silver coin; medals of gold, silver or copper, and other metallic articles actually bestowed as trophies or prizes and received and accepted as honorary distinctions, and cups or other prizes won in bona fide competitions; and medals commemorating the Diamond Jubilee of Her Majesty Queen Victoria, until the thirty-first of December, 1897, and dies for manufacturing such medals.

474. Locomotive and railway passenger, baggage and freight cars, being the property of railway companies in the United States, running upon any line of road crossing the frontier, so long as Canadian locomotives and cars are admitted free

under similar circumstances into the United States, under regulations prescribed by the Controller of Customs.

475. Models of inventions and of other improvements in the arts—but no article shall be deemed a model which can be fitted for use.

476. Aluminum in ingots, blocks or bars, strips, sheets or plates; alumina and chloride of aluminum, or chloralum, sulphate of alumina and alum cake; and alum in bulk only, ground or unground.

477. Ambergris; ammonia, sulphate of, sal-ammoniac, and nitrate of ammonia; arsenic; bromine, Burgundy pitch; cinnabar, cochineal, cyanide of potassium, and cyanogen or compound of bromine and potassium for reducing metals in mining operations; iodine, crude; kryolite or cryolite, mineral; oxalic acid; quinine, salts of; saltpetre; calcareous tufa; alizarine and artificial alizarine; aniline oil, crude; aniline salts and arsenite of aniline; annatto, liquid or solid; aniline dyes and coal tar dyes in bulk or packages of not less than one pound weight.

478. Antimony salts; antimony, or regulus of, not ground, pulverized or otherwise manufactured.

479. Artificial limbs.

480. Asphalt or asphaltum; bone pitch, crude only; and resin or rosin in packages of not less than one hundred pounds; and resin oil.

481. Anchors for vessels.

482. Bees.

483. Bells, when imported for the use of churches only.

484. Bismuth, metallic, in its natural state; blood albumen and tannic acid.

485. Blast furnace slag.

486. Blanketing and lapping, and discs or mills for engraving copper rollers, when imported by cotton manufacturers, calico printers, and wall paper manufacturers, for use in their own factories only.

487. Bolting cloth not made up.

488. Bones, crude, not manufactured, burned, calcined, ground or steamed.

489. Book-binders' cloth.

490. Boracic acid, and borax, ground or unground, in bulk of not less than twenty-five pounds.

491. Bristles, broom corn and hair brush pads.

492. Brass and copper, old and scrap, or in blocks; and brass or copper in bolts, bars and rods in coil or otherwise, not less than six feet in length, unmanufactured, and brass or copper in strips, sheets or plates, not polished, planished or coated, and brass or copper tubing, in lengths of not less than six feet, and not polished, bent or otherwise manufactured, and copper in ingots or pigs.

493. Britannia metal in pigs, blocks or bars.

494. Buckram, when imported for the manufacture of hat and bonnet shapes.

495. Bullion, gold and silver, in ingots, blocks, bars, drops, sheets or plates, unmanufactured; gold and silver sweepings, and bullion or gold fringe.

496. Burr-stones, in blocks, rough or unmanufactured, not bound up or prepared for binding into mill-stones.

497. Caplins, unfinished Leghorn hats and Manilla hoods.

498. Casts, as models for the use of schools of design.

499. Cane and rattans, not manufactured; osiers or willows, and bamboos, unmanufactured, and bamboo reeds, not further manufactured than cut into suitable lengths for walking sticks or canes, or for sticks for umbrellas, parasols or sunshades.

500. Cat-gut or gut cord, for musical instruments; and cat-gut or worm gut, unmanufactured, for whip and other cord.

501. Celluloid, xylonite or xyolite in sheets, and in lumps, blocks or balls in the rough.

502. Chloride of lime, in packages of not less than twenty-five pounds weight; cobalt, ore of; oxide of cobalt, oxide of tin and oxide of copper; copper, precipitate of, crude; dragon's blood; gypsum, crude (sulphate of lime); lava, unmanufactured; manganese, oxide of; phosphorus; litharge; saffron, saffron cake, safflower, and extract of; sulphate of iron (copperas); sulphate of copper (blue vitriol); sulphur and brimstone, crude, or in roll or flour; tartar emetic and gray tartar; cream of tartar in crystals and argal or argols; verdigris, or sub-acetate of copper, dry, zinc, salts of, and tartaric acid crystals.

503. Chronometers and compasses for ships.

504. Citron, lemon and orange rinds in brine.

505. Clays, including China clay, fire clay and pipe clay; gannister and sand.

506. Coal, anthracite and anthracite coal dust; coke.

507. Coal and pine pitch, and coal and pine tar in packages of not less than 15 gallons.

508. Coir and coir yarn; raw cotton or cotton wool; and cotton waste, not dyed, cleaned, bleached or otherwise manufactured; cotton yarns, number forty and finer; and mohair yarns.

509. Communion plate, when imported for the use of churches.

510. Crucibles, clay or plumbago.

511. Curling stones.

512. Cups, brass, being rough blanks, for the manufacture of paper shells or cartridges, when imported by manufacturers of brass and papershells and cartridges, for use in the manufacture of such articles in their own factories.

513. Diamonds, unset, diamond dust or bort and black, for borers; and diamond drills for prospecting for minerals, not to include motive power.

514. Domestic fowls, pure-bred, for the improvement of stock, homing or messenger pigeons and pheasants and quails.

515. Drugs, crude, such as barks, flowers, roots, beans, berries, balsams, bulbs, fruits, insects, grains, gums and gum resins, herbs, leaves, nuts, fruit and stem seeds—which are not edible and which are in a crude state and not advanced in value by refining or grinding or any other process of manufacture and not otherwise provided for; egg yolk; fuller's earth, in bulk only, not prepared for toilet or other purposes; lead, nitrate and acetate of, not ground; litmus and all lichens, prepared or not prepared; musk, in pods or in grain; roots, medicinal, viz.:—alkanet, crude, crushed or ground, aconite, calumba, folia digitalis, gentian, ginseng, jalap, ipecacuanha, iris, orris root, liquorice, sarsaparilla, squills, taraxacum, rhubarb and valerian, unground; vaccine and ivory vaccine points; gum chicle or sappato gum, crude; platinum and black oxide of copper, for use in the manufacture of chlorate; potash, chlorate of, not further prepared than ground, and free from admixture with any other substance; and bacteriological products or serum for subcutaneous injection.

516. Duck for belting and hose, when imported by manufacturers of such articles for use in the manufacture thereof in their own factories; and canvas or fabric, not frictionized, for

the manufacture of bicycle tires when imported by the manufacturers of bicycle tires for use exclusively in the manufacture of bicycle tires in their own factories.

517. Dyeing or tanning articles, in a crude state, used in dyeing or tanning, n. e. s., berries for dyeing or used for composing dyes; turmeric, nut galls and extracts thereof; lac, crude, seed, button, stick and shell; indigo, indigo paste and extract of, and indigo auxiliary or zinc dust; persis, or extract of archill and cudbear; terra japonica, gambier or cutch, extract of logwood, fustic, oak and oak bark and quebracho; camwood and sumac and extract thereof, tanner's bark, hemlock bark and oak bark; ground logwood, ground fustic, patent prepared dyes, and ground oak bark; iron liquor, solutions of acetate or nitrate of iron for dyeing and calico printing; madder and munjeet, or Indian madder, ground or prepared, and all extracts of; red liquor, a crude acetate of aluminum prepared from pyroligneous acid, for dyeing and calico printing.

518. Emery in bulk, crushed or ground.

519. Felt, adhesive for sheathing vessels.

520. Fertilizers, uncompounded or unmanufactured, including phosphate rock, kainite or German potash salts, German mineral potash, bone-dust, bone black or charred bone and bone-ash, fish offal or refuse, guano and other animal or vegetable manures.

521. Fibre, Mexican, natural, and tampico or istle and vegetable fibres; fibrilla, flax fibre and flax tow; grass, Manilla, Esparto or Spanish, and other grasses, and pulp of, including fancy grasses, dried but not colored or otherwise manufactured; moss, Iceland, and other mosses, seagrass and seaweed, crude or in their natural state, or cleaned only; and kelp.

522. Fire bricks, for use in processes of manufacture or for manufacturing purposes.

523. Fillets of cotton and rubber not exceeding seven inches wide, when imported by and for the use of manufacturers of card clothing in their own factories.

524. Fish hooks, for deep sea or lake fishing, not smaller in size than number 2.0; bank, cod, pollack and mackerel fish lines; and mackerel, herring, salmon, seal, seine, mullet, net and trawl twine in hanks or coil, barked or not—in variety of

sizes and threads—including gilling thread in balls, and head ropes, barked marline, and net morsels of cotton, hemp or flax, and deep sea fishing nets or seines, when used exclusively for the fisheries, and not to include hooks, lines or nets commonly used for sportsmen's purposes.

525. Flint, flints and ground flint stones; feldspar, cliff, chalk, China or Cornwall stone, ground or unground; gravels; precious stones in the rough.

526. Florist stock, viz.:—Palms, bulbs, corms, tubers, rhizomes, araucaria, spiraea and lilies of the valley; seedling stock for grafting, viz.: plum, pear, peach and other fruit trees; seeds, viz.: annatto, beet, carrot, flax, turnip, mangold, mustard, sowing rapeseed and mushroom spawn; aromatic seeds which are not edible and are in a crude state, and not advanced in value or condition by grinding or refining or by any other process of manufacture, viz.: anise, anise star, caraway, cardamon, coriander, cumin, fennel and fenugreek; seed pease and seed beans from Britain; beans, viz.: tonquin, vanilla and nux vomica, crude only, locust beans and locust bean meal, and cocoa beans, not roasted, crushed or ground; fruits, viz.: bananas, plantains, pineapples, pomegranates, guavas, mangoes and shaddocks; wild blueberries, wild strawberries and wild raspberries; and trees, n. e. s.

527. Fossils, shells, tortoise and mother-of-pearl, and other shells unmanufactured.

528. Foot-grease, being the refuse of cotton seed after the oil has been pressed out, but not when treated with alkalies; and grease, rough, the refuse of animal fat for the manufacture of soap and oils only.

529. Fur skins of all kinds not dressed in any manner.

530. Goldbeaters' moulds and goldbeaters' skins.

531. Gums, viz.:—Amber, Arabic, Australian, copal, dammar, elemy, kaurie, mastic, sandarac, Senegal, shellac; and white shellac in gum or flake, for manufacturing purposes; and gum tragacanth, gum gedda and gum barbery.

532. Hair, cleaned or uncleaned, but not curled, dyed or otherwise manufactured; and horse-hair not further manufactured than simply cleaned and dipped or dyed, imported by manufacturers of hair cloth for use in the manufacture of such article in their own factories.

533. Hatters' furs, not on the skin and hatters' plush of

silk or cotton; and hatters' bands (not cords), bindings, tips and sides, hat sweats and linings both tips and sides, when imported by hat and cap manufacturers for use in the manufacture of these articles in their own factories.

534. Hemp, undressed.

535. Hemp paper, made on four cylinder machines and calendered to between .006 and .008 inch thickness for the manufacture of shot shells; primers for shot shells and cartridges, and felt board sized and hydraulic pressed, and covered with paper or uncovered, for the manufacture of gun wads, when such articles are imported by manufacturers of shot shells, cartridge and gun wads, to be used for these purposes only in their own factories, until such time as the said articles are manufactured in Canada: Provided always that the said articles, when imported, shall be entered only at such port or ports as are named by the Controller of Customs, and at no other place; samples of such articles to be furnished to the collector of the said port or ports by the Customs Department for the guidance of the officers when accepting free entries of such materials.

536. Hides and skins, raw, whether dry, salted or pickled, and raw pelts.

537. Hoofs, horn strips, horn and horn tips, in the rough, not polished or otherwise manufactured than cleaned.

538. Hoop iron not exceeding 3-8 inch in width and being 25 gauge and thinner, used for the manufacture of tubular rivets.

539. Ice.

540. Indian corn, not for purposes of distillation and under Customs regulations.

541. Ingot moulds; iron sand or globules or iron shot and dry putty for polishing glass or granite.

542. Iron or steel masts, or parts thereof, and iron or steel beams, angles, sheets, plates, knees, and cable chain for wooden, iron, steel, or composite ships and vessels; and iron, steel or brass manufactures which at the time of their importation are of a class or kind not manufactured in Canada, when imported for use in the construction or equipment of ships or vessels.

543. Ivory and ivory nuts, piano key ivories and veneers of ivory unmanufactured.

544. Junk, old.

545. Jute and jute butts; and jute cloth, as taken from the loom, not colored, cropped, mangled, pressed, calendered nor finished in any way.

546. Jute, flax or hemp yarn, plain, dyed or colored, jute canvas, not pressed or calendered, when imported by the manufacturers of carpets, rugs, and mats, jute webbing or jute cloth, hammocks, twines and floor oilcloth, for use in the manufacture of any of these articles only, in their own factories.

547. Lamp black and ivory black.

548. Lastings, mohair cloth, or other manufactures of cloth, when imported by manufacturers of buttons for use in their own factories, and woven or made in patterns of such size, shape or form, or cut in such manner as to be fit for covering buttons, exclusively. These conditions to be ascertained by special examination by the proper officer of customs, and so certified on the face of each entry.

549. Leeches.

550. Lime juice, crude only.

551. Locomotive and car wheel tires of steel in the rough.

552. Meerschaum, crude or raw.

553. Metal glove fasteners; papier-mache shoe buttons, shoe eyelets, shoe eyelet hooks, shoe lace wire fasteners, and sewing machine attachments.

554. Mineral waters, natural, not in bottle, under regulations prescribed by the Controller of Customs.

555. Machinery imported exclusively for mining, smelting and reducing, viz.:—Coal cutting machines except percussion coal cutters, coal heading machines, coal augers and rotary coal drills, core drills, miners' safety lamps, coal washing machinery, coke-making machinery, ore drying machinery, ore roasting machinery, electric or magnetic machines for separating or concentrating iron ores, blast furnace water jackets, converters for metallurgical processes in iron or copper, briquette making machines, ball and rock emery grinding machines, copper plates, plated or not, machinery for extraction of precious metals by the chlorination or cyanide processes, monitors, giants and elevators for hydraulic mining, amalgam safes, automatic ore samplers, automatic feeders, jigs, classifiers, separators, retorts, buddles, vanners, mercury pumps,

pyrometers, bullion furnaces, amalgam cleaners, gold mining slime tables, blast furnace blowing engines, wrought iron tubing, butt or lap welded, threaded or coupled or not, not less than 2 1-2 inches diameter, when imported for use exclusively in mining, smelting, reducing or refining.

556. Nickel; and ores of metal of all kinds; and silex or crystallized quartz.

557. Oakum.

558. Oils, viz.:—Cocoanut and palm, in their natural state; and carbolic or heavy oil; oil of roses and ottar or attar of roses, and olive oil for manufacturing soap or tobacco, or for canning fish.

559. Oil cake and oil cake meal, cotton seed cake and cotton seed meal, and palm nut cake and meal.

560. Oysters, seed and breeding, imported for the purpose of being planted in Canadian waters.

561. Oleo-stearine and degras.

562. Palm leaf, unmanufactured.

563. Plaits, plain, not to include braid or fancy trimmings, composed of chip, manilla, cotton, mohair, straw, Tuscan and grass.

564. Platinum wire and platinum in bars, strips, sheets or plates; platinum retorts, pans, condensers, tubing, and pipe, when imported by manufacturers of sulphuric acid for use in their works in the manufacture or concentration of sulphuric acid.

565. Potash, muriate and bichromate of, crude, caustic, potash, and red and yellow prussiate of potash; also pot and pearl ash, in packages of not less than twenty-five pounds weight.

566. Prunella.

567. Pumice and pumice stone ground or unground.

568. Quicksilver.

569. Quills in their natural state or unplumed.

570. Rags of cotton, linen, jute, hemp and woolen, paper waste clippings, and waste of any kind except mineral.

571. Rennet, raw and prepared.

572. Ribs of brass, iron or steel, runners, rings, caps, notches, ferrules, mounts and sticks or canes in the rough, or not further manufactured than cut into lengths suitable for umbrella, parasol or sunshade or walking sticks, when imported by manufacturers of umbrellas, parasols and sunshades for

use in their factories in the manufacture of umbrellas, parasols, sunshades or walking sticks.

573. Rubber and gutta percha, crude caoutchouc or India-rubber, unmanufactured; powdered rubber and rubber waste; hard rubber in sheets but not further manufactured, and recovered rubber and rubber substitute.

574. Rolled round wire rods in the coil, of iron or steel, not over three-eighths of an inch in diameter, when imported by wire manufacturers for use in making wire in the coil, in their own factories.

575. Rubber thread, elastic.

576. Reeds, square or round, and rawhide centers, textile leather or rubber heads, thumbs and tips, and steel, iron or nickel caps for whip ends, when imported by whip manufacturers for use in the manufacture of whips in their own factories.

577. Rollers, copper, for use in calico printing, when imported by calico printers for use in their factories in the printing of calicoes and for no other purpose (such rollers not being manufactured in Canada).

578. Astrakhan or Russian hare skins and China goat plates or rugs, holly or partially dressed, but not dyed.

579. Salt, imported from the United Kingdom or any British possession, or imported for the use of the sea or gulf fisheries.

580. Sausage skins or casings, not cleaned.

581. Scrap iron and scrap steel, old and fit only to be remanufactured, being part of or recovered from any vessel wrecked in waters subject to the jurisdiction of Canada.

582. Silk, raw or as reeled from the cocoon, not being doubled, twisted or advanced in manufacture in any way; silk cocoons and silk waste.

583. Silk in the gum or spun, when imported by manufacturers of silk underwear to be used for such manufacture in their own factories.

584. Silver, nickel and German, in ingots, blocks, bars, strips, sheets or plates, unmanufactured.

585. Steel rails weighing not less than 45 pounds per lineal yard for use only in the tracks of a railway which is employed in the common carrying of goods and passengers and is operated by steam motive power only; provided that this item shall

not extend to rails for tracks of a railway which is used for private purposes only, nor shall this item extend to rails for use in the tracks of any electric railway, street railway, or tramway.

586. Soda, sulphate of, crude, known as salt cake, barilla or soda ash, caustic soda; silicate of soda in crystals or in solution; bichromate of soda, nitrate of soda or cubic nitre, salsoda, sulphide of sodium, nitrate of soda; arseniate, binarseniate, chloride, chlorate, bisulphite and stannate of soda.

587. Spurs and stilts, used in the manufacture of earthenware.

588. Steel bowls for cream separators, and cream separators.

589. Steel saws and straw cutters cut to shape, but not further manufactured.

590. Crucible sheet steel, eleven to sixteen gauge, two and one-half to eighteen inches wide for the manufacture of mower and reaper knives, when imported by the manufacturers thereof for use for such purpose in their own factories.

591. Steel of number twenty gauge and thinner, but not thinner than number thirty gauge, for the manufacture of corset steels, clock springs and shoe shanks, when imported by the manufacturers of such articles for exclusive use in the manufacture thereof in their own factories.

592. Flat steel wire, of number sixteen gauge or thinner, when imported by the manufacturers of crinoline or corset wire and dress stays, for use in the manufacture of such articles in their own factories.

593. Steel valued at two and one-half cents per pound and upwards, when imported by the manufacturers of skates, for use exclusively in the manufacture thereof in their own factories.

594. Steel, under one-half inch in diameter, or under one-half inch square, when imported by the manufacturers of cutlery, or of knobs, or of locks, for use exclusively in the manufacture of such articles in their own factories.

595. Steel of number twelve gauge and thinner, but not thinner than number thirty gauge, for the manufacture of buckle clasps, bed fasts, furniture casters, and ice creepers, when imported by the manufacturers of such articles, for use exclusively in the manufacture thereof in their own factories.

596. Steel of number twenty-four and seventeen gauge, in sheets sixty-three inches long, and from eighteen inches to thirty-two inches wide, when imported by the manufacturers of tubular bow sockets for use in the manufacture of such articles in their own factories.

597. Steel for the manufacture of bicycle chain, when imported by the manufacturers of bicycle chain for use in the manufacture thereof in their own factories.

598. Steel for the manufacture of files, augers, auger bits, hammers, axes, hatchets, scythes, reaping hooks, hoes, hand-rakes, hay or straw knives, windmills and agricultural or harvesting forks when imported by the manufacturers of such or any of such articles for use exclusively in the manufacture thereof in their own factories.

599. Steel springs for the manufacture of surgical trusses, when imported by the manufacturers for use exclusively in the manufacture thereof in their own factories.

600. Flat spring steel, steel billets and steel axle bars, when imported by manufacturers of carriage springs and carriage axles for use exclusively in the manufacture of springs and axles for carriages or vehicles other than railway or tramway, in their own factories.

601. Spiral spring steel for spiral springs for railways, when imported by the manufacturers of railway springs for use exclusively in the manufacture of railway spiral springs in their own factories.

602. Steel strip and flat steel wire when imported into Canada by manufacturers of buckthorn and plain strip fencing, for use in the manufacture of such articles in their own factories and barbed fencing wire of iron or steel after January 1st, 1898.

603. Galvanized iron or steel wire number nine, twelve and thirteen gauge, after January 1st, 1898.

604. Stereotypes, electrotypes and celluloids of newspaper columns in any language other than French and English, and of books, and bases and matrices and copper shells for the same, whether composed wholly or in part of metal or celluloid.

605. Surgical and dental instruments (not being furniture) and surgical needles, after January 1st, 1898.

606. Tagging metal, plain, japanned or coated, in coils, not

over one and a half inches in width, when imported by manufacturers of shoe and corset laces for use in their factories.

607. Tails, undressed.

608. Tea and green coffee imported direct from the country of growth and production, and tea and green coffee purchased in bond in the United Kingdom, provided there is satisfactory proof that the tea or coffee so purchased in bond is such as might be entered for home consumption in the United Kingdom.

609. Teasels.

610. Tin, in blocks, pigs, bars and sheets, tin plates, tin crystals, tin strip waste, and tin foil, tea lead.

611. Timber or lumber or wood, viz.: lumber and timber planks and boards of amaranth, cocoboral, boxwood, cherry, chestnut, walnut, gumwood, mahogany, pitch, pine, rosewood, sandal-wood, sycamore, Spanish cedar, oak, hickory, whitewood, African teak, blackheart ebony, lignum vitae, red cedar, redwood, satin-wood, and white ash, when not otherwise manufactured than rough-sawn or split or creosoted, vulcanized or treated by any other preserving process; sawed or split boards, planks, deals and other lumber when not further manufactured than dressed on one side only or creosoted, vulcanized or treated by any preserving process; pine and spruce clapboards; timber or lumber hewn or sawed, squared or sided or creosoted; laths, pickets and palings; staves not listed or jointed of wood of all kinds; firewood, handle, heading, stave, and shingle bolts, hop poles, fence posts, railroad ties; hubs for wheels, posts, last blocks, wagon, oar, gun, heading and all like blocks or sticks rough hewn, or sawed only; felloes of hickory wood, rough sawn to shape only, or rough sawn and bent to shape, not planed, smoothed or otherwise manufactured; hickory billets and hickory lumber, sawn to shape for spokes of wheels, but not further manufactured, hickory spokes, rough turned, not tenoned, mitred, throated, faced, sized, cut to length, round tenoned or polished; shingles of wood; the wood of the persimmon and dogwood trees; and logs and round unmanufactured timber, ship timber or ship planking, not specially enumerated or provided for in this Act.

612. D shovel handles, wholly of wood, and Mexican saddle-tree and stirrups of wood.

613. Cu.kwood, or cork bark, unmanufactured.

614. Sawdust of the following woods: Amaranth, cocobo-ral, boxwood, cherry, chestnut, walnut, gumwood, mahogany, pitch pine, rosewood, sandal-wood, sycamore, Spanish cedar, oak, hickory, whitewood, African teak, black-heart ebony, lignum vitae, red cedar, redwood, satin-wood, white ash, persimmon and dogwood.

615. Treenails.

616. Tobacco, unmanufactured, for excise purposes, under conditions of the Inland Revenue Act, until July 1st, 1897.

617. Tubes, rolled iron not welded or joined, under one and and one-half inch in diameter, angle iron, nine and ten gauge not over one and one-half inch wide, iron tubing lacquered or brass covered, not over one and one-half inch in diameter, all of which are to be cut to lengths for the manufacture of bedsteads, and to be used for no other purpose, and brass trimmings for bedsteads, when imported by or for manufacturers of iron or brass bedsteads to be used for such purposes only in their own factories, until such time as any of the said articles are manufactured in Canada.

618. Turpentine, raw or crude.

619. Turtles.

620. After 1st January, 1898, binders' twine, or twine for harvest binders, of hemp, jute, manilla or sisal, and of manilla and sisal mixed, and all articles upon which duties are levied which enter into the cost of the manufacture of such twine, under regulations to be made by the Controller of Customs.

621. Ultramarine blue, dry or in pulp.

622. Varnish, black and bright, for ships' purposes.

623. Whalebone, unmanufactured.

624. Whiting or whitening, Paris white and gilders' whiting, blanc fixe and satin white.

625. Wire, crucible cast steel.

626. Wire rigging for ships and vessels.

627. Wire, of brass, zinc, iron or steel, screwed or twisted, or flattened or corrugated, for use in connection with nailing machines for the manufacture of boots and shoes, when imported by manufacturers of boots and shoes, to be used for such purposes only in their own factories.

628. Steel wire, Bessemer soft dawn spring, of numbers ten, twelve and thirteen gauge, respectively, and homo steel spring wire of numbers eleven and twelve gauge, respectively, when

imported by manufacturers of wire mattresses, to be used in their own factories in the manufacture of such articles.

629. Wool and the hair of the camel, alpaca, goat, and other like animals, not further prepared than washed, n. e. s.; noils being the short wool which falls from the combs in worsted factories; and worsted tops, n. e. s.

630. Wool or worsted yarns, when genapped, dyed or finished and imported by manufacturers of braids, cords, tassels and fringes to be used in the manufacture of such articles only in their own factories.

631. Yarn spun from the hair of the alpaca or of the angora goat, when imported by manufacturers of braids for use exclusively in their factories in the manufacture of such braids only, under such regulations as are adopted by the Controller of Customs.

632. Yellow metal, in bolts, bars and for sheathing.

633. Zinc spelter and zinc in blocks, pigs, sheets and plates; and seamless drawn tubing.

634. Molasses, second process, or molasses derived from the manufacture of "molasses sugar," testing by polariscope less than 35 degrees, when imported by manufacturers of blacking, for use in their own factories, in the manufacture of blacking—conditional that the importers shall, in addition to making oath at the time of entry that such molasses is imported for such use and will not be used for any other purpose, cause such molasses to be at once mixed in a proper tank made for the purpose with at least one-fifth of the quantity thereof of cod or other oil, whereby such molasses may be rendered unfit for any other use, such mixing to be done in the presence of a Customs officer at the expense of the importer, and under such further regulations as are from time to time considered necessary in the interest and for the protection of the revenue, and that until such mixing is done and duly certified on the face of the entry thereof by such Customs officer the entry shall be held to be incomplete and the molasses subject to the usual rate of duty as when imported for any other purpose.

635. Bags, barrels, boxes, casks and other vessels exported filled with Canadian products, or exported empty and returned filled with foreign products and articles the growth, produce and manufacture of Canada, when returned after having been exported; provided that proof of the identity of such articles

and goods shall be made under regulations to be prescribed by the Controller of Customs, and that such articles and goods are returned within three years from time of exportation, without having been advanced in value or improved in condition by any process of manufacture or other means; provided further that this item shall not apply to any article or goods upon which an allowance of drawback has been made, the re-importation of which is hereby prohibited except upon payment of duties equal to the drawback allowed; nor shall this item apply to any article or goods manufactured in customs or excise bonded warehouses and exported under any provision of law.

SCHEDULE C.

PROHIBITED GOODS.

636. Books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character.

637. Reprints of Canadian copyright works, and reprints of British copyright works which have been copyrighted in Canada also.

638. Coin, base or counterfeit.

639. Oleomargarine, butterine or other similar substitute for butter.

640. Tea adulterated with spurious leaf or with exhausted leaves, or containing so great an admixture of chemical or other deleterious substances as to make it unfit for use.

641. Goods manufactured or produced wholly or in part by prison labor, or which have been made within or in connection with any prison, jail or penitentiary; also goods similar in character to those produced in such institutions, when sold or offered for sale by any person, firm or corporation having a contract for the manufacture of such articles in such institutions or by any agent of such person, firm or corporation, or when such goods were originally purchased from or transferred by any such contractor.

SCHEDULE D.

RECIPROCAL TARIFF.

On all the products of countries entitled to the benefits of this Reciprocal Tariff, under the provisions of section sixteen,

the duties mentioned in schedule A shall be reduced as follows:—

On and after the twenty-third of April, 1897, until the thirtieth day of June, 1898, inclusive, the reduction shall in every case be one-eighth of the duty mentioned in schedule A, and the duty to be levied, collected and paid shall be seven-eighths of the duty mentioned in schedule A.

On and after the first day of July, 1898, the reduction shall in every case be one-fourth of the duty mentioned in schedule A, and the duty to be levied, collected and paid shall be three-fourths of the duty mentioned in schedule A.

Provided, however, that these reductions shall not apply to any of the following articles, and that such articles shall in all cases be subject to the duties mentioned in schedule A, viz.:—wines, malt liquors, spirits, spirituous liquors, liquid medicines and articles containing alcohol; sugar, molasses and syrups of all kinds, the product of the sugar cane or beet root; tobacco, cigars and cigarettes.

PART XIII.

MINING FORMS FOR ALASKA AND UNITED STATES.

PART 13.

MINING FORMS FOR USE UNDER UNITED STATES LAWS INCLUDING ALASKA.

FORM 1.

DISCOVERY NOTICE.

The.....lode, discovered by....., ..., 189.....claim feet....., and.....feet.....from discovery. .....

The above form may be used by prospectors who cannot at time of discovery run the lines, and definitely describe the location; within a reasonable time (thirty days), the lines should be surveyed or definitely located, and a new location notice posted. (See form below.)

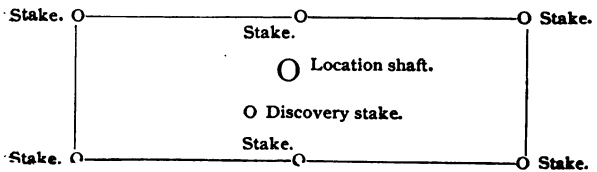
FORM 2.

NOTICE OF LOCATION.

Notice is hereby given that the undersigned having complied with the requirements of chapter 6, title 32, Revised Statutes of the United States, and the local customs, laws and regulations, has located....linear feet on the....lode, situated in....mining district, in ....county, State of.....; described as follows.....

Discovered..... Located..... .....Locator.

Care must be taken to describe the claim accurately by reference to natural objects, such as mountains or spurs, and the boundaries must also be distinctly marked on the ground to show the extent and location of the claim, using suitable monuments. Should be as nearly as practicable as the following diagram:



(If a placer location on surveyed lands, describe by legal subdivisions.)

LOCATION CERTIFICATE—PLACER CLAIM.

Know all men by these presents, that I,....., the undersigned citizen of the United States, resident of the county of .... and State of...., having complied with the provisions of chapter 6, title 32 of the Revised Statutes of the United States, and with local customs, laws and regulations, claim by right of discovery and location, as a placer claim, the following premises situate, lying and being in...mining district (or county), county of....., and State of....., to wit: (Description.)

To be known as: (Name.)

Located...., 189.. Date of certificate....., 189..

FORM 3.

LOCATION CERTIFICATE—LODE CLAIM.

Know all men by these presents, that I, ..., of the county of.....State of...., claim by right of discovery and location ....feet, linear and horizontal measurement, on the....lode, along the vein thereof, with all its dips, variations and angles; together with....feet in width on each side of the middle of said vein at the surface, and all veins, lodes, ledges, deposits and surface ground within the lines of the said claim;....feet on said lode running....from the center of the discovery shaft, and....feet running....from said center of discovery shaft.

Said claim is situated in the.....of.....in.....mining district, county of....., State of....., and bounded and described as follows: .....

Date of discovery...., 189.. Staked and located...., 189.. Date of certificate...., 189 .....

Attest: .....

As a part of this form, and in addition to the data therein given, the claimant is required to state the names of adjoining claims, and if none adjoin, the relative positions of those nearest, or show by affidavit or otherwise why this is not done. This is an essential requirement.

This notice must be recorded in the office of the mining recorder and in the office of the auditor of the county in which claim is situate.

FORM 4.

AFFIDAVIT OF LABOR PERFORMED.

State of...., county of...., ss:

Before me, the subscriber, personally appeared....who, being duly sworn said that at least...dollars worth of work or improvements were performed or made upon the....lode, situate on....mountain, in.....mining district, county of....State of ...., between the first day of...., A. D. 189.., and the thirty-first day of...., A. D. 189.. Such expenditure was made by or at the expense of...., owner (or one of the owners) of said claim, for the purpose of complying with the law and holding said claim.

.....

Sworn and subscribed to before me this....day of...., A. D., 189 ..

(Seal.) ....., Notary Public.

FORM 5.

AMENDED LOCATION CERTIFICATE.

Know all men by these presents, that I,....., of the county of...., State of..., do hereby make and file this, my amended certificate of location upon the....lode mining claim, situate in....mining district, county of...., State of...., claiming.... feet in width on each side of the center of said lode at the surface, and all veins, lodes and ledges within the lines of said claim, with their dips, variations and angles; ...feet on said lode running...., ...degrees....from center of discovery shaft, and.....feet running.....degrees.....from said center of discovery shaft. Said lode mining claim is bounded and described as follows, to wit: Beginning at corner No. 1 (describe by metes and bounds with ties from surveyor's notes) being the same lode of which the original location certificate (made by .....) is filed in.....in the office of the clerk and recorder of said....county. This amended certificate is filed without waiver of any previous rights, for the purpose of correcting and making more specific the boundaries and description of said lode as orignally located upon the ground.

Date of original location...., A. D..... Date of certificate ...., A. D.....

.....

FORM 6.

CERTIFICATE OF RELOCATION.

Know all men by these presents, that I....., of the county of....., State of....., claim by right of relocation.....feet, linear and horizontal measurement, on the.....lode, along the vein thereof, with all its dips, variations and angles, together with.....feet in width on each side of the middle of said vein at the surface; and all veins, lodes, ledges and surface ground within the lines of said claim.....feet on said lode running .....degrees.....from the center of the discovery shaft, and .....feet running....., ...degrees.....from said center of discovery shaft. Said discovery shaft being situate upon said lode, within the lines of said claim, in.....mining district, county of....., State of....., said claim being bounded and described as follows: Beginning at corner No. 1, etc. (describe as in case of original location, and conclude as follows:) Being the same lode originally located on the .....day of....., A. D....., and recorded on the..... day of....., A. D....., in....., in the office of the recorder of said county. This further certificate of location is made without waiver of any previous rights, but to correct any error in prior location or record, to secure all abandoned overlapping claims. Date of relocation,.....,A. D..... Date of certificate....., A. D..... (Signed).....

Attest:.....

FORM 7.

TUNNEL CLAIM LOCATION CERTIFICATE.

Know all men by these presents, that the undersigned, citizens of the United States, have this.....day of.....18.., claimed by right of location, a tunnel claim for the purpose of discovering and working veins, lodes or deposits on the line thereof (cutting the.....lode and working the.....lode). Said tunnel claim is situated in the.....mining district, county of .....State of....., and the location and bounds of said tunnel are staked on the surface at the place of commencement and termination, as well as along the line thereof said claim is more

particularly described as follows: (Give courses and distances, and describe as in lode location by natural objects.)

....., Locator.

Dated.....

To this should be added a claim for dump location; it may be separate or included in the above, and should be merely a notice that 125 feet on each side of the mouth of the tunnel by 250 feet in front is claimed as ground for dumping purposes. If made separately, it must be recorded same as tunnel location.

FORM 8.

NOTICE OF RIGHT TO WATER.

The undersigned claims the water running in this stream for mining purposes to the extent of.....cubic inches per second of time, to be conveyed by (ditch or flume) from this point to.....claim. ....., 18.. (Signed) .....

A copy of this notice is to be posted where it is intended to divert the water, and a copy filed for record in the office of the county auditor of the county in which the point of divergence may be, within ten days; and actual work must be commenced within six months.

FORM 9.

APPLICATION TO U. S. SURVEYOR-GENERAL FOR SURVEY OF MINING CLAIM.

.....

....., 189..

U. S. Surveyor-General, ...

Sir: ....., claimant , hereby make application for an official survey, under the provisions of Chapter Six, Title Thirty-two, of the Revised Statutes of the United States, and regulations and instructions thereunder, of the mining claim known as the ....., situate in..... mining district,.....County, ..., in section....., Township No....., Range No..... Said claim is based upon a valid location made on....., 18.., and duly recorded on....., 18.., and is fully described in the duly certified copy of the record of the location certificate, filed herewith. Said certificate contains the name of the locator ,

the date of location, and such a definite description of the claim by reference to natural objects or permanent monuments as will identify the claim, and said location has been distinctly marked by monuments on the ground, so that its boundaries can be readily traced.

.... request that you will send.....an estimate of the amount required to defray the expenses of platting and other work in your office required under the regulations, that....may make proper deposit therefor, and that thereupon you will cause the survey to be made by....., U. S. Deputy Mineral Surveyor, and proper action to be taken thereon by your office, as required by the U. S. mining laws and regulations thereunder.

.....

.....

Claimant.

P. O. Address.....

.....County,

.....

FORM 10.

APPLICATION FOR PATENT.

....., County of....., ss.

Application for patent for the..... Mining claim.

To the Register and Receiver of the U. S. Land Office at.....

....., being duly sworn according to law, deposes and says, that in virtue of a compliance with the mining rules, regulations and customs, by himself, the said....., and his co-claimants (residence of each should be stated),....., applicants for patent herein ha.. become the owner of and.....in the actual, quiet and undisturbed possession of.....linear feet of the.....vein, lode or deposit, bearing....., together with surface ground.....feet in width, for the convenient working thereof, as allowed by local rules and customs of miners; said mineral claim, vein, lode or deposit and surface ground being situated in the.....mining district, county of....., and..... of ....., and being more particularly set forth and described in the official field notes of survey thereof, hereto attached, dated.....day of....., A. D. 189.., and in the official plat of said survey, now posted conspicuously upon said

mining claim or premises, a copy of which is filed herewith. Deponent further states that the facts relative to the right of possession of himself (and his said co-claimants hereinbefore named) to said mining claim, vein, lode or deposit and surface ground, so surveyed and platted, are substantially as follows, to wit:

(Trace the history of the lode fully.) Which will more fully appear by reference to the copy of the original record of location and the abstract of title hereto attached and made a part of this affidavit; the value of the labor done and improvements made upon said.....claim, by himself and his grantors, being equal to the sum of five hundred dollars, and said improvements consist of (describe fully). In consideration of which facts, and in conformity with the provisions of Chapter Six of Title Thirty-two of the Revised Statutes of the United States, application is hereby made for and in behalf of said.....for a patent from the Government of the United States for the said.....mining claim, vein, lode, deposit, and the surface ground so officially surveyed and platted.

.....

Subscribed and sworn to before me this.....day of....., A. D. 189.., and I hereby certify that I consider the above deponent a credible and reliable person, and that the foregoing affidavit, to which was attached the field notes of survey of the .....mining claim, was read and examined by him before his signature was affixed thereto and the oath made by him.

(Official Signature.)

Note.—The above is slightly changed in applying for placer mines.

FORM 11.

NOTICE OF APPLICATION FOR PATENT.

(Notice to be posted with Diagram on Claim.)

Notice o the application of..... for a United States Patent.

"Notice is hereby given, that in pursuance of Chapter Six of Title Thirty-two, of the Revised Statutes of the United States,"..... .... and..... claiming..... linear feet of the.....vein, lode, or mineral deposit, bearing .....with surface ground.....feet in width, lying and be-

ing situated within the.....Mining District, County of..... and..... of..... about to make application to the United States for a patent for the said Mining Claim, which is more fully described as to metes and bounds by the official plat herewith posted, and by the field notes of survey thereof, now filed in the office of the Register of the District of Lands, subject to sale at.....which field notes of survey describe the boundaries and extent of said claim on the surface, with magnetic variation at.....East, as follows, to wit: ..... the said Mining Claim being of record in the office of the Recorder of.....at.....in the County and.....aforesaid, the presumed general course or direction of the said..... vein, lode or mineral deposit being shown upon the plat posted herewith, as near as can be determined from present developments, this claim being for.....linear feet thereof, together with the surface ground shown upon the official plat posted herewith, the said vein, lode and mining premises, hereby sought to be patented, being bounded as follows, to wit..... the said claim being designated as Lot No.....in the official plat posted herewith.

Any and all persons claiming adversely the mining ground, vein, lode, premises or any portion thereof so described, surveyed, platted and applied for, are hereby notified that unless their adverse claims are duly filed as according to law, and the regulations thereunder, within the time prescribed by law, with the Register of the U. S. Land Office at.....,.in the.....of .....they will be barred, in virtue of the provisions of said statute.

.....
.....
.....

Dated and posted on the ground, this.....day of.....189..

Witnesses:

.....
.....

FORM 12.

PROOF OF POSTING NOTICE AND DIAGRAM ON THE CLAIM.

..... of ....., County of ....., ss.,

..... and ....., each for himself, and not one for the other, being first duly sworn according to law, deposes and says, that he is a citizen of the United States, over the age of twenty-one years, and was present on the ..... day of ....., A. D. 1889, when a plat representing the ....., and certified to as correct by the United States Surveyor-General of ....., and designated by him as lot No. ....., together with a notice of the intention of ..... and ..... to apply for a patent for the mining claim and premises so platted, was posted in a conspicuous place upon said mining claim, to wit: Upon ....., where the same could be easily seen and examined; the notice so conspicuously posted upon said claim being in words and figures as follows, to wit:

NOTICE OF THE APPLICATION OF ..... AND .....
FOR A UNITED STATES PATENT.

Notice is hereby given that in pursuance of Chapter Six of Title Thirty-two of the Revised Statutes of the United States, ... and ....., claiming ..... linear feet of the ..... vein, lode or mineral deposit, bearing ....., with surface ground ..... feet in width, lying and being situated within the ..... mining district, county of ....., and ..... of ....., ha- made application to the United States for a patent for the said mining claim, which is more fully described as to metes and bounds by the official plat herewith posted and by the field notes of survey thereof, now filed in the office of the Register of the District of Lands, subject to sale at ....., which field notes of survey describe the boundaries and extent of said claim on the surface, with magnetic variation at ..... east, as follows, to wit:

(Full description by courses and distances.)

the said mining claim being of record in the office of the Recorder of ....., at ....., in the county and ..... aforesaid, the presumed general course or direction of the said ..... vein, lode or mineral deposit being shown upon the plat posted herewith, as near as can be determined from present develop-

ments; this claim being for ..... linear feet thereof, together with the surface ground shown upon the official plat posted herewith, the said vein, lode and mining premises hereby sought to be patented being bounded on the ..... by the ..... mining claim.

Any and all persons claiming adversely the mining ground, vein, lode, premises, or any portion thereof so described, surveyed, platted and applied for, are hereby notified that unless their adverse claims are duly filed as according to law and the regulations thereunder within sixty days from the date hereof, with the Register of the United States Land Office at ....., in the ..... of ....., they will be barred, in virtue of the provisions of said statute.

..... (Names of applicants.)

Dated on the ground this ..... day of ....., 189...

Witness:

(Names of witnesses) ....

....

Subscribed and sworn to before me this ..... day of ....., 189.., and I hereby certify that I consider the above deponents credible and reliable witnesses, and that the foregoing affidavit and notice were read by each of them before their signatures were affixed thereto and the oath made by them.

FORM 13.

PROOF THAT PLAT AND NOTICE REMAINED POSTED ON CLAIM DURING PERIOD OF PUBLICATION.

..... of ....., County of ....., ss.

....., being first duly sworn according to law, deposes and says, that he is claimant (and co-owner with .....) in the ..... mining claim, ... mining district, ... county, the official plat of which premises, designated by the Surveyor-General, as lot No. ....., together with the notice of intention to apply for a patent therefor, was posted thereon, on the ..... day of ....., A. D. 1889, as fully set forth and described in the affidavit of ..... and ....., dated the ..... day of ....., A. D. 188--, which affidavit was duly filed in the office of the Register at ..... in this case; and that the plat and notice so mentioned and described, remained

continuously and conspicuously posted upon said mining claim from the ..... day of ....., A. D. 189–, until and including the ..... day of ...., A. D. 189.., including the sixty days period during which notice of said application for patent was published in the newspaper.

(Jurat.) ....

(One of the applicants.)

FORM 14.

REGISTER'S CERTIFICATE OF POSTING NOTICE FOR SIXTY DAYS.

United States Land Office, at ....., ..., 189–.

I hereby certify that the official plat of the ..... lode designated by the Surveyor-General as lot No. ..... was filed in this office on the ..... day of ....., A. D. 189–, and that the attached notice of the intention of ..... to apply for a patent for the mining claim or premises embraced by said plat, and described in the field notes of survey thereof filed in said application, was posted conspicuously in this office on the ..... day of ....., A. D. 189.., and remained so posted until the ..... day of ....., A. D. 189–, being the full period of sixty consecutive days during the period of publication as required by law; and that said plat remained in this office during that time, subject to examination, and that no adverse claim thereto has been filed.

...., Register.

FORM 15.

NOTICE FOR PUBLICATION IN NEWSPAPER. APPLICATION FOR A PATENT.

U. S. Land Office, ...

....., 189..

Notice is hereby given, that ..... whose post-office address is ....., has this day filed his application for a patent for..... linear feet of the ..... mine or vein, bearing ....., with surface ground ..... feet in width, situated in ..... mining district, county of ....., and ..... of ..... and designated by the field notes and official plat on file in this

office as lot number ..... in township ....., range ..... of ....., meridian ....., said lot No. ..... being as follows:

Beginning ....., magnetic variation ....., containing ..... acres.

The location of this mine is recorded in the Recorder's Office of ....., in book ..... of ..... The adjoining claimants are .....

Any and all persons claiming adversely any portion of said ..... mine or surface ground are required to file their adverse claims with the Register of the United States Land Office at ....., in the ..... of ..... during the sixty days period of publication hereof, or they will be barred by virtue of the provisions of the Statute.

...., Register.

It is hereby ordered, that the foregoing Notice of Application for patent be published for the period of ..... days (ten consecutive weeks), in the ..... a ..... newspaper published at .....

....., Register.

FORM NO. 16.

PROOF OF PUBLICATION.

..... of ..... county of ....., ss.

..... being first duly sworn, deposes and says: that he is the ..... of the ..... a ..... newspaper published at ....., in ..... county, in the ..... of ....., that the Notice of Application for a patent for the ..... mining claim, of which a copy is hereto attached, was first published in said newspaper in its issue, dated the ..... of ....., 189-, and was published in each ..... issue of said newspaper thereafter for nine consecutive weeks or the ..... the full period of sixty days, the last publication thereof being in the issue dated the ..... day of ....., 18...

Subscribed and sworn to before me, this.....day of....., 18...

...., Notary Public.

FORM 17.

AGREEMENT OF PUBLISHER.

The undersigned, publisher and proprietor of the ....., a ..... newspaper, published at ....., county of ....., and ..... of ....., does hereby agree to publish a notice, dated United States Land Office, ..., required by Chapter Six of Title Thirty-two, Revised Statutes of the United States, of the intention of ..... to apply for a patent for his claim on the ..... lode, situated in ..... mining district, county of ....., of ....., and to hold the said ..... alone responsible for the amount due for publishing the same. And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication.

Witness my hand and seal this .... day of .....,A. D. 189...

Witness: ....

.....

FORM 18.

PROOF OF OWNERSHIP AND POSSESSION IN CASE OF LOSS OR ABSENCE OF MINING RECORDS.

..... of ....., County of ....., ss.

...., and ...., each for himself, and not one for the other, being first duly sworn according to law, deposes and says that he is a citizen of the United States, over the age of twenty-one years, and a resident of ..... county, ..., and has resided in ..... mining district, wherein the ..... mine is situated, since ..... day of ....., 18... That since said date he has been acquainted with the ..... mine, and with the possessors and workers thereof. That said mine was located and has been possessed and worked in accordance with the customs and usages of miners in said district, and in conformity with the rules and regulations governing the location, holding and working of mining claims, in force and observed in the ..... of ..... That there are no written records known to deponent existing in said mining

district. That affiant is credibly informed and believes that the ..... mine was located in the year 18.., and that if any record was made of said location, and of the names of locators, the same has not been in existence for a long number of years past, and that by reason thereof the names of locators cannot now be ascertained, and no abstract of title from locators to the present owner can be made. That the possession of applicant and his predecessors in interest of said ..... mine has been actual, notorious and continuous, to the positive knowledge of deponent, since his residence in said mining district and that such possession has been perfected and maintained in conformity with mining usages and customs, and has been acquiesced in and respected by the miners of said district. That applicant's right to the said ..... mine is not in litigation within the knowledge of affiant, and that no action or actions have been commenced affecting the right to said mine since his acquaintance therewith (and that the time for the commencement thereof, as required to be instituted under the provisions of the Statute of Limitations of the ..... of ....., has long since elapsed). That applicant and his predecessors in interest have expended in the improvement, development and working of said mine a sum of money exceeding ..... dollars, as follows, to wit: .....

....

....

....

Subscribed and sworn to before me this ..... day of ....., A. D. 189.., and I certify that the aforenamed ..... and ..... are credible and respectible persons, to whose affidavits full faith and credit should be given.

(Seal.)

NOTE.—This should be sworn to by at least two respectable persons and by the applicant for patent.

FORM 19.

AFFIDAVIT OF FIVE HUNDRED DOLLARS IMPROVEMENTS.

..... of ....., County of ....., ss.

..... and ..... of lawful age, being duly sworn, according to law, depose and say, that each for himself, and not one for the other, that he is acquainted with the.....mining claim, in .....mining district, county of.....and state of.....aforesaid, for which.....has made application for patent under the provisions of Chapter VI, of Title Thirty-two, Revised Statutes of the United States, and that the labor done, and improvements made thereon by the applicant and his grantors, exceed five hundred dollars in value, and said improvements consist of .....

....

....

Subscribed and sworn to before me, this ..... day of ....., 189...

....

....

FORM 20.

AFFIDAVIT OF CITIZENSHIP.

..... of ....., County of ....., ss.

....., being first duly sworn according to law, deposes and says: That he is the applicant for patent for ..... mining claim, situated in ..... mining district, county of .....; that he is a ..... citizen of the United States, born in ....., county of ..... of ..... on the year 18.., and is a resident of .....

....

Subscribed and sworn to before me, this ..... day of ....., A. D. 189..

....

....

NOTE.—If the applicant is a naturalized citizen, or has declared his intention to become a citizen, he should show in his affidavit where, when and before what Court he was naturalized or his declaration was made.

FORM 21.

STATEMENT OF FEES AND CHARGES.

..... of ....., County of ....., ss.

....., being first duly sworn according to law, deposes and says that he is the applicant for patent for the ..... lode in ..... mining district, county of ....., ... of ....., under the provisions of Chapter Six of Title Thirty-two of the Revised Statutes of the United States, and that in the prosecution of said application he has paid out the following amounts, and no more, viz.: To the Credit of the Surveyor-General's office, ... dollars; for surveying, ... dollars; for filing in the local land office, ... dollars; for publication of notice, ... dollars; and for the land embraced in his claim, ... dollars.

....

Subscribed and sworn to before me this ..... day of ....., A. D. 189....

....

....

(Seal.) ...., Notary Public.

FORM 22.

POWER OF ATTORNEY TO APPLY FOR PATENT.

KNOW ALL MEN BY THESE PRESENTS, that we, ... and ....., do hereby constitute and appoint ..... as our attorney in fact, for us and in our names, to make application to the United States for the entry and purchase of certain Government lands, in ..... mining district, ... county, ... of ....., known as the ..... mining claim and premises; and to have the same surveyed, and to take any and all steps that may be necessary to procure from the Government of the United States a patent to the said lands and premises, granting the same to us. And to do all other acts appertaining to the said survey and entry aforesaid as we ourselves could do by our own act and in our own proper person.

In witness whereof we have hereunto set our hands and affixed our seals the ..... day of ....., A. D. 188..

....

....

..... of ..... County of ....., ss.

On this ..... day of ....., A. D. 188.., before me ....., a Notary Public in and for the ....., county of ....., personally appeared ....., known to me to be the same person whose name ..... subscribed to the foregoing instrument, and acknowledged to me that ..... executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal at my office, the day and year in this certificate first above written.

(Seal.) ...., Notary Public.

FORM 23.

CERTIFICATE THAT NO SUIT IS PENDING.

..... of ....., County of ....., ss.

I, ..., clerk of the court in and for ..... county, ..., do hereby certify that there is now no suit or action of any character pending in said court involving the right of possession to any portion of ..... mining claim, and that there has been no litigation before said court affecting the title to said claim, or any part thereof, for ..... years last past, other than what has been finally decided in favor of .....

In witness whereof, I have hereunto set my hand and affixed the seal of said court, at my office in ....., this ..... day of ....., A. D. 189...

(Seal.) ...., Clerk of the ..... Court, ...

FORM 24.

PROTEST AND ADVERSE CLAIM.

U. S. Land Office,.....

.....of.....

In the matter of the application of.....for a United States patent for the.....lode or mining claim, and the land and premises appertaining to said mine, situated in the..... mining district, in.....County.....of.....

To the Register and Receiver of the United States Land Office at.....,, and to the above-named applicant for patent for the.....lode.

You are hereby notified that.....of the City of....., County of....., and.....of....., and a citizen of the United States of America, is the lawful owner and entitled to the possession of.....hundred feet of the said.....lode or mine described in said application, as shown by the diagram posted on said claim, and the copy thereof filed in the Land Office with said application, and as such owner this contestant, the said.....does protest against the issuing of a patent thereon to said applicant, and does dispute and contest the right of said applicant therefor.

And this contestant does present the nature of his adverse claim, and does fully set forth the same in the affidavit hereto attached, marked Exhibit A, and the further exhibits thereto attached, and made part of said affidavit.

That said.....therefore respectfully asks the said Register and Receiver, that all further proceedings in the matter be stayed until a final settlement and adjudication of the rights of this contestant can be had in a Court of competent jurisdiction.

Place and date.

.....

EXHIBIT A.

..... of ....., County of ....., ss.

.....being first duly sworn, deposes and says: That he is a citizen of the United States, born in the.....of..... and is now residing in.....; that he is the contestant and protestant named in, and who subscribed the notice and protest hereto annexed. Affiant further says: that he is the owner by purchase and in possession of the (adverse) lode or vein of quartz and other rock in place, bearing.....and other metals. That the said lode is situated in the.....mining district,..... ....County,.....of.....

The history of the lode should be given in full; for instance, as follows:—

This affiant further says: that, on the day of location, the premises hereinafter described were mineral lands of the public domain, and entirely vacant and unoccupied, and were not owned, held, or claimed by any person or persons as mining ground or otherwise, and that while the same were so vacant and unoccupied, and unclaimed, to wit:—

On the.....day of.....188.., (name locators), each and all of them being citizens of the United States, entered upon and explored the premises, discovered and located the said .....lode, and occupied the same as mining claims. That the said premises so located and appropriated consist of..... feet in a.....erly direction, and.....feet in a.....erly direction, as will fully appear by reference to the Notice of Location, a duly certified copy whereof is hereunto annexed, marked Exhibit B, and hereby made a part of this affidavit. That the locators, after the discovery of said.....lode, drove a stake on said lode on the discovery claim, erected a monument of stone around said stake, and placed thereon a written Notice of Location, describing the claim so located and appropriated, giving the names of the locators and quantity taken by each, and after doing all the acts and performing all the labor required by the laws and regulations of said..... mining district and.....of....., the locators of said lode caused said notice to be filed and recorded in the proper Books of Record in the Recorder's office in said district on the..... day of.....188...

Affiant further says: that the said locators remained continuously in possession of said lode, working upon the same, and within.....months from the date of said location had done and performed work and labor on said location in mining thereon, and developing the same, more than.....days' work, and expended on said location more than.....Hundred Dollars, and by said labor and money expended upon the said mining location and claim had developed the same, and extracted therefrom more than.....tons of ore.

And affiant further says: that said locators, in all respects, complied with every custom, rule, regulation and requirement of the mining laws, and every rule and custom established and in force in said.....mining district, and thereby became and were owners (except as against the paramount title of the United States), and the rightful possessors of said mining claims and premises.

And this affiant further says: that said locators proved and established, to the satisfaction of the Recorder of said..... mining district, that they had fully complied with all the rules, customs, regulations and requirements of the laws of said district, and thereupon the said Recorder issued to the locators of

said.....lode certificates confirming their titles and rights to said premises.

That the said lode was located and worked by the said locators as tenants in common, and they so continued in the rightful and undisputed possession thereof from the time of said location, until on or about the.....day of.....18.., at which time the said locators and owners of said lode formed and organized under the laws of the.....of....., and incorporated under the name of the ".....;" and on the..... day of.....188.., each of the locators of said lode conveyed said lode, and each of their rights, titles and interest in and to said lode, to said ".....Mining Company."

On the said.....day of.....188.., the said company entered into and upon said.....lode, and was seized and possessed thereof and every part and parcel of the same, and occupied and mined thereon until the.....day of.....188.., at which time the said.....Mining Company, sold and conveyed the same to this affiant, which said several transfers and conveyances will fully appear by reference to the abstract of title and paper hereto attached, marked Exhibit D, and made a part of this affidavit.

(In case of individual transfers.)

And this affiant further says: that the said.....who located claim.....northwesterly of the said.....lode, and the said.....who located claim.....northwesterly thereon were seized and possessed of said claims, and occupied and mined thereon until the.....day of.....188.., at which time the said.....and.....sold and conveyed the same to ....., and thereupon the said.....was seized and possessed of said mining claims and locations, and occupied and mined thereon until the.....day of.....188.., at which time the said.....sold and conveyed the same to this affiant, as will fully appear by reference to the abstract of title and paper hereto attached, marked Exhibit D, and which this affiant hereby makes a part of this his affidavit.

Affiant further says: that he is now and has been in the occupation and possesion of the said.....lode, since the .....day of.....188.., and that said lode and mining claims were located, and the title thereto established, several..... before said (applied for).....lode was located.

Affiant further says: that said.....lode, as shown by the

notice and diagram posted on said claim, and a copy thereof filed in the United States Land Office, at said....., with said application for a patent, crosses and overlaps said..... lode, and embraces about.....hundred feet in length by..... .....hundred feet in width of the said.....lode, the property of this affiant, as fully appears by reference to the diagram or map duly certified by.....U. S. Deputy Surveyor, hereto attached, marked Exhibit C, and which diagram presents a correct description of the relative locations of the said (adverse) lode, and of the pretended (applied for) lode.

Affiant further says: that he is informed and believes that said applicant for patent well knew that affiant was the owner in possession and entitled to the possession of so much of said mining ground, embraced with the survey and diagram of said applications, as is hereinbefore stated, and that this affiant is entitled to all the.....and other metal in said (adverse) lode, and all that may be contained within a space of.....feet on each side of said (adverse) lode.

And affiant further says: that this protest is made in entire good faith, and with the sole object of protecting the legal rights and property of this affiant in the said (adverse) lode and mining premises

.....

Subscribed and sworn to before me, this .....day of.....189..

.....

.....

SURVEYOR'S CERTIFICATE.

On the diagram marked Exhibit C, the Surveyor must certify in effect as follows:

I hereby certify that the above diagram correctly represents the conflict claimed to exist between the.....and..... .....lode, as actually surveyed by me. And I further certify that the value of the labor and improvements on the (adverse) lode exceeds Five Hundred Dollars, and said improvements consist of (state in full).

Place and date.

.....

U. S. Deputy Surveyor.

FORM 25.

PROOF THAT NO KNOWN VEIN EXISTS IN A PLACER MINING CLAIM.

.....of....., County of....., ss.

.....and....., of the said county and....., being first duly sworn, each for himself, deposes and says, that he is well acquainted with the.....placer mining claim, embracing....., situated in the.....mining district, in the county of....., and.....of....., owned and worked by ....., applicant for United States patent; that for many years he has resided near, and often been upon said mining premises, and that no known vein or veins of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin or copper, exist on said mining claim, or on any part thereof, so far as he knows, and he verily believes that none exist thereon. And further, that he has no interest whatever in the said placer mine of.....

A. D. 189...

.....

Subscribed and sworn to before me this.....day of.....

.....

Note.—In case any known mines exist within the exterior boundaries of the placer-claim, the names of such known veins should be given.

FORM 26.

NOTICE OF FORFEITURE.

.....County, ..., 188..

To—(names of all parties who have record title to any portion of the mine). You are hereby notified that I have expended.....dollars in labor and improvements upon the.... ....lode (describe the claim), as will appear by certificate filed ....., 189.., in the office of the Recorder of said county (or district), in order to hold said premises under the provisions of section 2324 Revised Statutes of the United States, being the amount required to hold the same for the year ending....., 189... And if within ninety days from the service of this notice

(or within ninety days after this notice by publication), you fail or refuse to contribute your proportion of such expenditure as a co-owner, your interest in said claim will become the property of the subscriber under section 2324.

.....(Signature.)

Note.—At the expiration of 180 days, this printed notice should be recorded with the affidavit of the newspaper publisher (see Form 13), that the same was published for the period of ninety days, together with the affidavit of the party signing the notice to the effect that one or more of the co-owners named in the published notice have not paid their share of the expenditure. This completes the record title.

FORM 27.

AFFIDAVIT OF FAILURE TO CONTRIBUTE.

.....of ....., County of ....., ss.

....., being duly sworn, deposes and says that for the year ending....., 189.., he expended at least.....dollars in labor and improvements upon the.....lode (or.....placer claim) (here describe the claim), to hold the same under the laws of the United States and of this.....; that due notice thereof was personally served upon....., co-owners, on the .....day of....., 189.., (or was duly published in the..... ....., as appears from the affidavit of the publisher thereof); and that.....(of the said) co-owners have failed or refused to contribute their share of said expenditures within the time time required by law.

.....

Subscribed and sworn to before me this.....day of..... 189..

.....

FORM 28.

MINER'S LIEN.

Know All Men by These Presents, That I,....., of the county of....., of....., do hereby give notice of my intention to hold and claim a lien, by virtue of the statute in such case made and provided, upon.....(describe premises), with all improvements and appurtenances, situated in..... Mining District, County of.....of.....

The said lien being claimed and held for and on account of work and labor done by me as.....for....., owner of said premises in and upon said premises, from the.....day of..... ...., A. D. 189.., to the.....day of....., A. D. 189..

The total value of the said work and labor being..... dollars, upon which there has been paid the sum of.....dollars, leaving a balance of.....dollars still due, owing and unpaid to me, the said claimant.

.....(Signature).

.....of....., County of....., ss.

On this.....day of....., A. D. 188.., personally appeared before me the above named....., and who being by me first duly sworn, on.....oath states that the abstract of indebtedness mentioned and described in the foregoing notice is true and correct, and that there is still due and owing to..... ....from the said....., for the.....aforesaid, the sum of .....dollars and.....cents.

.....(Signature.)

Subscribed and sworn to before me this.....day of....., A. D. 188..

(Official Signature.)

Note.—For materials insert "goods furnished and delivered to owners of said premises, for use on said premises, and which were used on said premises." Below substitute "materials furnished, to wit: Powder, lumber, etc., as per bill annexed," in place of "work and labor."

FORM 29.

APPLICATION TO PURCHASE.

To the Register and Receiver
United States Land Office
at.....

The undersigned claimant.. under the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two and legislation supplemental thereto, hereby appl.. to purchase that Mining Claim known as the.....Section..... ....., in Township No.....of Range No.....Meridian, designated as Lot..No.....said Lot No.....extending..... ....feet in length along said.....vein or lode, but expressly excepting and excluding from this application all that portion of the ground embraced in mining claim..or survey, designated as Lot..No.....and also all that portion of any vein or lode the top or apex of which lies inside of said excluded ground; said Lode.....claim embracing.....acres and said Mill-Site claim.....acres, in the.....Mining District, in the County of.....of.....as shown by the survey thereof, and hereby agree..to pay therefor.....Dollars, being the legal price thereof.

....

Dated.....18..

I,.....Register of the Land Office at.....do hereby certify that the aforesaid Mining Claim of Lot..No.....as applied for above, is subject to entry by the above named applicant..; the area of said Lode.....claim being.....acres and of said Mill-Site claim.....acres, and the legal price thereof.....Dollars.

.....18..

....
Register.

FORM 30.

PROOF OF IDENTITY.

.....of..... County of....., ss.

.....and.....of lawful age, each for himself, and not one for the other, being first duly sworn, according to law, deposes and says: That he is a citizen of the United States; that he is well acquainted with the.....Mining claim, situated in.....Mining District, County of.....of.....for which.....made application for patent, under the provisions of an Act of Congress, approved May 10, 1872; that he is not interested in the aforesaid mining claim, either directly or indirectly, that he was present on the.....day of.....18..on the ground of said mining claim; and that the survey of said mining claim made on that date by.....surveyor, embraces the identical ground originally claimed by its locators; and further, that the initial point of discovery of said lode or mining claim from which said survey has been made by the said surveyor is the same place where the notice of said lode or mining claim originally was posted.

.....

.....

Subscribed and sworn to before me, this.....day of.... .....18.., and I hereby certify that I consider the above deponents creditable and reliable witnesses.

.....

.....

FORM 31.

CERTIFICATE AND OATHS OF ASSISTANTS.

U. S. SURVEY,

No.....

T. ...., R. ....D. ....M.

Certificate as to Correctness of Survey

and

Amount of Work Done.

I,.....U. S. Deputy Surveyor for.....U. S. Surveyor-General of.....do certify that the above-mentioned survey was made by me on the.....day of.....18.., and that the

plat of said survey attached hereto, is true and correct, as are his grantors. That the Field Notes of said survey, as given that the exterior surface boundaries of said.....claim as surveyed, were then and are now distinctly marked by monuments on the ground. That more than five hundred dollars worth of labor has been expended on said claim by.....or his grantors. That the Field Notes of said survey, as given above, furnish such an accurate description of said claim as will if incorporated into a patent, serve to fully identify the premises, and that such reference is made therein to natural objects or permanent monuments, as will perpetuate and fix the locus thereof.

.....

U. S. Deputy Surveyor.

Subscribed and sworn to before me, this .....day of.....189..

.....

.....

OATHS OF ASSISTANTS.

We hereby certify that we assisted.....U. S. Deputy Surveyor, in surveying the claim of.....upon the..... Lode, situated in.....Mining District, County of..... State of.....and that said survey has been in all respects to the best of our knowledge and belief, well and faithfully surveyed, and the boundary monuments planted according to the instructions furnished by the Surveyor-General.

.....(Seal.)

.....(Seal.)

Subscribed and sworn to before me, this .....day of.....189..

.....

.....

FORM 32.

PRELIMINARY OATHS OF ASSISTANTS IN SURVEY OF MINING CLAIM.

We,.....and.....do solemnly swear that we will well and faithfully execute the duties of chain carrier; that we will level the chain upon even and uneven ground, and plumb the tally-pins, either by sticking or dropping the same; that we will report the true distance to all notable objects, and the true length of all lines that we assist in measuring, to the best of our skill and ability, and in accordance with instructions given us, in the survey of the Mining Claim of....., known as the.....situate in the.....mining district,.....County,.....in Section.....,Township No.....Range No....

....., Chainman.

....., Chainman.

Subscribed and sworn to by the above-named persons before me, this.....day of.....18..

.....

I,....., do solemnly swear that I will well and truly perform the duties of axeman, in the establishment of corners and other duties, according to instructions given me and to the best of my skill and ability, in the survey of the Mining Claim of.....known as the.....more fully described in the preceding affidavit.

....., Axeman.

Subscribed and sworn to by the said..... before me, this.....day of .....18..

.....

I,....., do solemnly swear that I will well and truly perform the duties of flagman, in the establishment of corners and other duties, according to instructions given me and to the best of my skill and ability, in the survey of the Mining Claim of.....more fully described in the preceding affidavit.

....., Flagman.

Subscribed and sworn to by the said..... before me, this.....day of .....18..

.....

PRACTICAL FORMS.

FORM 33.

DEED OF MINING CLAIM.

This Indenture, made the.....day of.....in the year of our Lord one thousand eight hundred and ninety..... Between ....., the part..of the first part, and.....the part..of the second part. Witnesseth: That the said part..of the first part, for and in consideration of the sum of.....Dollars,.....of the United States of America, to.....in hand paid by the said part..of the second part, the receipt whereof is hereby acknowledged, ha.. granted, bargained, sold, remised, released, and forever quitclaimed, and by these presents do..grant, bargain, sell, remise, release and forever quitclaim, unto the said part..of the second part, and to.....heirs and assigns.....

Together with all the dips, spurs and angles, and also all the metals, ores, gold and silver bearing quartz, rock and earth therein; and all the rights, privileges and franchises thereto incident, appendant and appurtenant, or therewith usually had and enjoyed; and also, all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof; and, also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part..of the first part, of, in or to the said premises, and every part and parcel thereto, with the appurtenances.....

To have and to hold all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said part..of the second part.....

In witness whereof, the said part..of the first part h..hereunto set.....hand..and seal.., the day and year first above written.

Signed, Sealed and Delivered in the Presence of

.....
.....

.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)

FORM 34.

BOND FOR DEED OF MINING PROPERTY.

Know All Men by These Presents:

That.....the part.. of the first part,.....held and firmly bound unto.....the part..of the second part, in the sum of .....Dollars,.....of the United States of America, to be paid to the said.....executors, administrators or assigns; for which payment, well and truly to be made.....bind..... heirs, executors and administrators,.....firmly by these presents.

Sealed with.....seal..and dated the.....day of....., A. D. one thousand eight hundred and ninety-.....

The condition of the above obligation is such, that if the above bounden obligor..shall, on the.....day of.....one thousand eight hundred and ninety-..make, execute and deliver unto the said.....or to.....assigns (provided that the said.....shall on or before that day have paid to the said obligor..the sum of.....Dollars.....of the United States of America, the price by said.....agreed to be paid therefor), a good and sufficient deed for conveying and assuring the said .....free from all incumbrances, all.....right, title and interest, estate, claim and demand, both in law and equity, as well in possession as in expectancy, of, in or to that certain portion, claim and mining right, title or property on..... certain vein..or lode.. of rock containing precious metals of gold, silver or other minerals, and situated in the.....Mining District, County of.....and ..... of....., and described as follows, to wit:.....

Then this obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered in the Presence of

.....

.....

.....(Seal.)

.....(Seal.)

FORM 35.

MINING LEASE.

This Indenture, made the.....day of.....in the year of our Lord one thousand eight hundred and ninety-..... Between.....Lessor.., and.....Lessee...

Winesseth: That the said Lessor.., for and in consideration of the rents, royalties, covenants and agreements hereinafter reserved, and by the said Lessee..to be paid, kept and performed.....granted, demised and let, and by these presents do grant, demise and let, unto the said Lessee.., all the following described mine and property, situated in..... mining district, County of.....of.....to wit:.....together with the appurtenances.....

To have and to hold unto the said Lessee..for the term of .....from the date hereof, expiring at noon on the..... day of ..... 18.., unless sooner forfeited or determined through the violation of any covenant hereinafter against the said tenant.....reserved.

And in consideration of the said demise, the said Lessee.. does covenant and agree with said Lessor..as follows, to wit: To enter upon said mine or premises and work the same mine fashion, in manner necessary to good and economical mining, so as to take out the greatest amount of ore possible, with due regard to the safety, development and preservation of the said premises as a workable mine.

To work and mine said premises as aforesaid steadily and continuously from the date of this Lease; and that any failure to work said premises with at least.....persons employed underground for the space of.....consecutive days may be considered a violation of this covenant.

To well and sufficiently timber said mine at all points where proper, in accordance with good mining; and to repair all old timbering wherever it may become necessary.

To allow said Lessor..and.....agents to enter upon and into all parts of said mine for the purpose of inspection, with use of all passages, ropes, windlass, ladder-ways, and all other means of ingress and egress for such purpose.

To not assign this Lease, or any interest thereunder, and to not sublet the said premises or any part thereof, without the written assent of said Lessor.., and to not allow any per-

son or persons except the said Lessee.. and.....workmen to take or hold possession of said premises or any part thereof under any pretense whatever.

To occupy and hold all cross or parallel lodes, dips, spurs, feeders, crevices or mineral deposits of any kind, which may be discovered in working under this Lease, or in any tunnel run to intersect said.....lode, or by the said Lessee..or any person or persons under.....in any manner at any point within.....feet of the center line of said lode, as the property of said Lessor..; with privilege to said Lessee.. of working the same, as an appurtenance of said demised premises, during the term of this Lease; and to not locate or record the same, or allow the same to be located or recorded, except in the name of said Lessor..

To keep at all times the drifts, shafts, tunnels, and other passages and workings of said demised premises, thoroughly drained and clear of loose rock and rubbish of all kinds.....

To deliver up to said Lessor..the said premises, with the appurtenances and all improvements.....in good order and condition, with all shafts and tunnels and other passages thoroughly clear of rubbish and drained, and the mine in all points ready for immediate continued working (accidents not arising from negligence alone excusing), without demand or further notice, on said.....day of.....A. D. 18.., at noon or at any time previous, upon demand for forfeiture.

And finally, upon the violation by said Lessee.., or any other person under.....of any covenant or covenants hereinbefore reserved, the term of this Lease shall, at the option of said Lessor.., expire and the same and said premises with the appurtenances shall become forfeit to said Lessor..and said Lessor.....or.....agent may thereupon, after demand of possession in writing, enter upon said premises and dispossess all persons occupying the same, with or without force, and with or without process of law, or at the option of said Lessor.., the said tenant and all persons found in occupation may be proceeded against as trespassers from the beginning of said term both as to realty and the ore served therefrom, or as guilty of unlawful detainer.

Each and every clause and covenant of this Indenture shall extend to the heirs, executors and administrators of all parties hereto; and to the assigns of said Lessor.., and as said Lessor.., may elect, to the assigns of said Lessee..

In witness whereof, the said parties, Lessor.. and Lessee.., have hereunto set their hands and seals.
Signed, sealed and delivered in he presence of
.....
.....

.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)

FORM 36.

ESCROW.

When a title bond or other executory contract is delivered it is usually accompanied by a deed executed and acknowledged and placed in escrow. An escrow amounts to a deposit with a third party of an unrecorded deed to be delivered on certain conditions, the title bond being recorded in the meantime. Such escrow is usually in the shape of a deed inclosed in a sealed envelope and endorsed as follows:

To.....cashier: You are authorized to deliver the within deed to.....his agent or order, upon payment to me, or deposit to my order, of the sum of $....., on or before the .....day of.....18.. Meanwhile you will hold the same irrevocably. If payment is not made on or before said date you will return the same to me for cancellation.

.....day of.....18.. .....

An escrow is often placed on deposit without any title bond, or the agreement is delivered on condition of not going on record, the vendor objecting to clouding the title by recording executory agreements which will perhaps never result in a conveyance. Such an escrow or agreement (not recorded) is valid in all respects except that of giving the purchaser record security.

FORM 37.

GRUB STAKE PROSPECTING CONTRACT.

In consideration of provisions advanced to me by....., and of his agreement to supply me from time to time, as I may reasonably demand them, with tools, grub and mining outfit generally, and the sum of $..... in hand paid, I agree to prospect for lodes and deposits in.....districts, and to locate all discoveries which I may consider worth the expenditure, and record the same in the joint names of the said outfitter and myself, and in our names only, as equal owners. My time and labor shall stand against his money, provisions, etc., as aforesaid. All expenses of survey and record shall be paid by the outfitter, and I agree to make no debts on account of this agreement. Work done on claims after record and before the expiration of this contract shall be considered as done under this contract, and no charge for labor or time shall be made for the same. This contract shall stand good during the whole of the summer and fall of.....expiring .....and during all of that period I will not work or prospect on my own account, or for any parties other than said outfitter.

Dated.....

I agree to the terms above stated. .....

Under the following form the prospector is allowed wages and takes a smaller interest in lodes found:

Agreement of date.....18.., between....., and..... outfitters, and.....prospector.

Witnesseth, that said outfitters agree to pay to said prospector on demand $.....for the purpose of tools and packing outfit, and $.....for railroad fare and expenses from .....to.....and to allow said prospector wages at $..... per day for each secular day after arrival at that place, until .....18.., unless this contract is rescinded by a notice before that date, and to pay all expenses of surveys and records to be made under this contract, and for powder, fuse, and other mining materials, if required by said prospector, to the extent of $ .....

And in consideration of the premises, said prospector agrees industriously and to the best of his skill, to prospect for lodes and deposits in the neighborhood of.....within the limits of .....districts, and to locate and record all discoveries which in his judgment are worth holding, in the joint names of all parties hereto, one-third interest to each.

And that he will use no company name and make no debts against his associates.

And that he will at least once each month report progress and all discoveries made, by letter, to said.....

All work done after record shall be considered as work done under this agreement.

And said prospector agrees further not to prospect on his own account nor for any other persons during the lifetime of this contract; and if at any time within one year thereafter he shall become interested by location or purchase in any claims on which he may have prospected under this contract, he will allow his associates to take an equal interest with himself, on the same terms and at the same cost at which he has acquired such interest.

On final settlement full wages are to be allowed as above agreed, but said prospector shall be charged with his full third of any expenses over and above the sums herein expressed, and shall account and pay for all tools and supplies on hand when contract expires, if terminated at his notice; but shall keep such tools and supplies if contract determined at outfitters' election, or by expiration of the full term limited, or by failure to remit proper charges monthly on demand. And the said prospector shall have no right to quit on notice until he shall have prospected.....full months under this agreement.

Witness the hands and seals of said parties.

.....(Seal.)
.....(Seal.)
.....(Seal.)

In questions arising under such contracts the courts have held:

If the outfitter neglect to furnish the agreed and necessary supplies, the prospector is at liberty to search for mineral on his own account.

Where a prospector made locations which he concealed from his outfitters and afterwards sold, he was compelled to account for the outfitters' share of the price. But he was not held to account to outfitters for any share in a lode, the float of which he discovered while prospecting, but did not find the lode till afterward. Of course the rule in such cases must vary according to the facts and the good faith in the premises.

The terms of the contract when expressed must in all cases govern.

FORM 38.

WORKING CONTRACT SALE.

For and in consideration of the sum of $.....to me in hand paid by.....the receipt whereof is hereby acknowledged, I,....., do hereby agree to place said.....in full and sole possession and control of the.....lode mining claim, situate, etc.....with authority to work and prospect the same as he sees fit for the term of.....days from date: Provided only, That such work be done in good and workmanlike manner, and that any ore taken out shall be separated and left on the dump, and not removed within the lifetime of this contract. And at any time within said period, on tender to me of the further sum of $....., I agree to deliver a good and sufficient warranty deed, to the said....., his heirs and assigns, conveying said above described premises absolutely and clear of encumbrance.

In case no such tender is made, such sum of $.....is to be treated as the consideration of this option and right of testing, and to be and remain my property as liquidated damages.

In case my title is found defective, and I fail to make it good and clear within said period, I agree to pay to said..... the cost of abstract and the vendee's attorney's reasonable charges for examination of title, and to refund the said sum of $.....

The ore taken out during said period is to be the property of the party who remains or becomes the owner at the end of said period of.....days.

Time is of the essence of this contract in all particulars.

Witness my hand and seal this.....day of.....A. D.

.....(Seal.)

.....(Seal.)

FORM 30.

CONTRACT TO SELL AND BUY.

I,.....vendor, hereby agree to sell to.....and I,..... purchaser, agree to buy of the said.....the.....lode mining claim, situate, etc.....

The agreed consideration of said sale is $.....cash in hand paid, the receipt whereof is hereby acknowledged; $..... to be paid within.....days from the date hereof, and $..... within.....days from such date, making a total consideration of $.....

Said vendor, within.....days from date, will deliver to purchaser or his attorney an abstract of title duly certified by the clerk and recorder of said county, or by some reputable abstract office, together with all the original title papers which are in his possession or within his power to produce.

And within said time will place in escrow in.....a good and sufficient warranty deed conveying to said.....or such person as he shall nominate, the said premises, clear of encumbrance, to be by such.....held in escrow until final payment be made under this contract, or default is made under the same. Deposit with said.....to the credit of vendor shall be equivalent to payment of any of said installments.

Time is of the essence of this contract as to each and every installment, and if any installment or installments be not paid within the time or times hereby limited therefor, all previous installments shall be and remain the property of said vendor, the deed in escrow shall be returned to him for cancellation, and the property shall remain his own, unaffected and unencumbered by this contract. But if he fail to deliver abstract within said period, or to deposit said deed in escrow, or if his title prove encumbered or otherwise not marketable, vendee may recover any and all installments paid, or may sue for specific performance and for a perfect title, or for damages, or otherwise as he may be advised.

Witness the hands and seals of said parties this.....day of.....A. D.....

.....(Seal.)

.....(Seal.)

FORM 40.

SALE SUBJECT TO EXAMINATION.

The undersigned....., of....., State of....., hath agreed to sell to.....of....., in said state, and said..... hath agreed to buy of and from said.....the.....lode mining claim, situate in.....mining district,.....county,..... state, for the consideration of $....., to be paid within..... months from date, fee simple (or good possessory) title to be delivered and warranted clear of liens. Title subject to approval of....., attorney for purchaser. Costs of deeds to be paid by vendor; of examination of title, by purchaser. Vendor to deliver at his own cost certified abstracts of title within.... ....days to said attorney. Deeds to pass on tender of the sum above mentioned within the period of.....months above limited. If no tender is made within such period the purchaser shall be in default, unless he show the title materially defective, or a prior breach of contract by vendor, or that material misrepresentations as to the mine or mineral have been made to him by the vendor, or by parties in the interest of the vendor, and thereupon either party may proceed for specific performance or for damages, or both, or otherwise as he may be formance or for damages, or both, or otherwise as he may be advised.

Witness the hands and seals of said parties this.....day of.....18..

.....(Seal.)
.....(Seal.)

FORM 41.

POWER OF ATTORNEY TO SELL MINING PROPERTY.

Know All Men by These Presents:

That.....have made, constituted and appointed, and by these presents do make, constitute and appoint.....true and lawful Attorney..for.....and in.....name...., place and stead, and for.....use and benefit, to grant, bargain, sell, remise, release, convey and quitclaim to whom and upon such terms as our said Attorney..may deem best, all of..... right, title, and interest, estate, claim and demand, both in law and equity, as well in possession as in expectancy, of, in or

to that certain portion, claim and mining right, title or property on.....certain vein..or lode..of rock containing precious metals of gold, silver and other minerals, and situated in the .....Mining District, County of.....and.....described, as follows, to wit:.....

Giving and granting unto.....said Attorney..full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as..... might or could do if personally present.....hereby ratifying and confirming all that.....Attorney.....shall lawfully do or cause to be done by virtue of these presents.

In Witness Whereof,.....have hereunto set.....hand.. and seal..the.....day of....., in the year of our Lord one thousand eight hundred and ninety-.....

Signed, Sealed and Delivered in the Presence of

....

....

.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)

FORM 42.

DEED TO INCORPORATE MINING CLAIM.

This Indenture, made the.....day of.....in the year of our Lord one thousand eight hundred and ninety..... between.....the part..of the first part, and.....the part..of the second part,

Witnesseth: That whereas, the said.....has been duly incorporated under the laws of the.....and it is intended by this instrument to transfer to the said part..of the second part, all the right, title and interest of the said part..of the first part, which they and each of them have and claim in and to the mining ground.. and claim..or lode... and.....appurtenances, hereinafter described:

Now, Therefore, know all men by these presents, that the said part..of the first part, and each of them whose names are hereunto subscribed, in consideration of Certificates of Stock in said Incorporated Company hereafter to be issued to them,

their and each of their heirs and assigns, in conformity with the By-Laws of said Corporation heretofore adopted, do hereby grant, bargain, sell, transfer, remise, release, and quitclaim unto the said part..of the second part, its successors and assigns, all their and each of their right, interest, claim and demand whatsoever, in law or equity, of, in or to all.....certain mining ground.., claim..or lode..situate, lying and being .....

Together with all the dips, angles, spurs and variations of said mining ground.., claim..or lode.., and all and singular the hereditaments and appurtenances thereunto belonging.

To have and to hold the said premises with their appurtenances, unto the said part..of the second part,.....successors and assigns forever.

In Witness Whereof, the said part..of the first part ha.. hereunto set.....hand..and seal..the day and year first above written.

Signed, Sealed and Delivered in the Presence of

.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)
.....(Seal.)

FORM 43.

PROXY.

Know All Men by These Presents:

That.....the undersigned, Stockholder..in the.....do hereby constitute and appoint.....of.....true and lawful Attorney.., with power of substitution, for.....and in..... name.., to vote at a meeting of the Stockholders in said Company, to be held at.....on the.....day of.....A. D. 189.., or at any adjournment thereof, on all matters which may properly come before it, with all powers.....shall possess if personally present.

In Testimony Whereof,.....have hereunto set..... hand..and seal..this.....day of.....A. D. 189..

Witness,

.....(Seal.)

.....

.....(Seal.)

.....hereby appoint, irrevocably..... as.....substitute, with all the powers above given.

Witness.....hand..and seal.., this.....day of.....A. D. 189...

Witness,

.....(Seal.)

.....

..... .(Seal.)

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The United States forms contained in this book, and which are applicable to Alaska, have been duly approved and in use for many years.

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